रजिस्ट्री सं० डी० एल० (एन) 04/0007/2003—05 REGD. NO. D. L. (N) 04/0007/2003—05

भारत का राजपत्र
The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

साप्ताहिक
WEEKLY

सं. 25] नई दिल्ली, जून 15—जून 21, 2008, शनिवार/ज्येष्ठ 25—ज्येष्ठ 31, 1930
No. 25] NEW DELHI, JUNE 15—JUNE 21, 2008, SATURDAY/JYAISTHA 25—JYAISTHA 31, 1930

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

गृह मंत्रालय

नई दिल्ली, 6 जून, 2008

का.आ. 1423.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, गृह मंत्रालय के निम्नलिखित कार्यालयों में हिंदी का कार्यसाधक ज्ञान रखने वाले कर्मचारियों की संख्या 80% से अधिक हो जाने के फलस्वरूप उन्हें एतद्द्वारा अधिसूचित करती है:-

क्षेत्रीय परिषद् सचिवालय

(1) क्षेत्रीय परिषद् सचिवालय, नई दिल्ली ।

केन्द्रीय रिजर्व पुलिस बल

(1) कार्यालय पुलिस महानिरीक्षक, मणिपुर नागालैण्ड सेक्टर, केंद्रीय रिजर्व पुलिस बल ।

(2) कार्यालय कमांडेंट -165 बटालियन, केंद्रीय रिजर्व पुलिस बल ।

(3) कार्यालय कमांडेंट -195 बटालियन, केंद्रीय रिजर्व पुलिस बल, भोपाल ।

(4) कार्यालय पुलिस महानिरीक्षक, प्रशासन सेक्टर, केंद्रीय रिजर्व पुलिस बल, श्रीनगर (जम्मू व कश्मीर) ।

[सं. 12017/1/2008-हिंदी]

अवधेश कुमार मिश्र, निदेशक (राजभाषा)

MINISTRY OF HOME AFFAIRS

New Delhi, the 6th June, 2008

S.O. 1423.— In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Ministry of Home Affairs where the percentage of Hindi knowing staff has gone above 80%:—

ZONAL COUNCIL SECRETARIAT

(1) Zonal Council Secretariat, New Delhi

CENTRAL RESERVE POLICE FORCE

(1) Office of the Inspector General of Police, Manipur & Nagaland Central Reserve Police Force, Imphal.

(2) Office of the Commandant -165 Battalion, Central Reserve Police Force.

(3) Office of the Commandant-195 Battalion, Central Reserve Police Force, Bhopal.

(4) Office of the Inspector General of Police, Adm. Sector, Central Reserve Police Force, Srinagar, (Jammu & Kashmir).

[No. 12017/1/2008-Hindi]

AVADHESH KUMAR MISHRA, Director (OL)

विधि और न्याय मंत्रालय

(विधि कार्य विभाग)

नई दिल्ली, 5 जून, 2008

का.आ. 1424.—केंद्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री स्वपनिल शरद पेडनेकर, अधिवक्ता को, मुंबई उच्च न्यायालय में भारत संघ या केंद्रीय सरकार के किसी विभाग या कार्यालय द्वारा या उसके विरूद्ध सभी दांडिक मामलों का, जिनके अंतर्गत दांडिक रिट याचिकाएं, दांडिक अपीलें, दांडिक पुनरीक्षण, दांडिक निर्देश और आपराधिक आवेदन भी है, संचालन करने के प्रयोजन के लिए इस शर्त के अधीन रहते हुए कि श्री स्वपनिल शरद पेडनेकर, अधिवक्ता अपनी नियुक्ति की अवधि के दौरान भारत संघ या केंद्रीय सरकार के किसी विभाग या कार्यालय के विरूद्ध ऊपर निर्दिष्ट किसी आपराधिक मामले में मुंबई उच्च न्यायालय में उपसंजात नहीं होंगे, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से एक वर्ष की अवधि के लिए या अगले आदेश होने तक, इनमें से जो भी पूर्वतर हो, अपर लोक अभियोजक के रूप में नियुक्त करती है ।

[सं. एफ 23(2)/2008-न्यायिक]

एम. ए. खान यूसुफी, संयुक्त सचिव और विधि सलाहकार

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

New Delhi, the 5th June, 2008

S.O. 1424.— In exercise of the powers conferred by sub-section(1)of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974),the Central Government hereby appoints Shri Swapnil Sharad Pednekar, Advocate as Additional Public Prosecutor for the purpose of conducting all criminal cases including criminal writ Petitions, criminal appeals, criminal revisions, criminal references and criminal applications by or against the Union of India or any Department of Office of the Central Government, in the High Court of judicature at Mumbai, with effect from the date of publication of this notification in the Official Gazette, for a period of one year or until further orders, whichever is earlier, subject to the condition that Shri Swapnil Sharad Pednekar, Advocate shall not appear against the Union of India or any Department of Office of the Central Government in any criminal case referred to above, in the High Court of Judicature at Mumbai during the period of his appointment.

[F. No. 23(2)/2008-Judl.]

M. A. KHAN YUSUFI, Jt. Secy. & Legal Adviser

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 9 जून, 2008

का.आ. 1425.—सर्वसाधारण की जानकारी के लिए एतद्द्वारा यह अधिसूचित किया जाता है कि केंद्र सरकार द्वारा आयकर नियमावली, 1962(उक्त नियमावली) के नियम 5ग और 5ङ के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उप-धारा (1) के खंड (ii)के प्रयोजनार्थ दिनांक 1-4-1999 से संगठन जय रिसर्च फाउंडेशन सोसाइटी, वल्साड, गुजरात को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्यकलापों में लगी 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, नामत:-

(i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;

(ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा इसके नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान को जारी रखेगा;

(iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा जिसमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से ऐसी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उपधारा(1)के अंतर्गत आय की विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत् सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा।

(iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत् सत्यापित विवरण की प्रति प्रस्तुत करेगा ।

2. केंद्र सरकार यह अनुमोदन वापिस ले लेगी यदि अनुमोदित संगठन :-

(क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अलग लेखा बही नहीं रखेगा; अथवा

(ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा

(ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त दान एवं प्रयुक्त राशि का अपना विवरण प्रस्तुत नहीं करेगा; अथवा

(घ) अपना अनुसंधान कार्य कलाप करना बंद कर देगा अथवा इसके अनुसंधान कार्य कलाप को जायज नहीं पाया जाएगा; अथवा

(ङ) उक्त नियमावली के नियम 5 ग और 5ङ के साथ पठित उक्त अधिनियम की धारा 35 की उपधारा (1) के खंड (ii) के उपबंधों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा ।

[अधिसूचना सं. 69/2008/फा. सं. 203/16/2008-आ.क.नि.II]

सुरेन्द्र पाल, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

(Central Board of Direct Taxes)

New Delhi, the 9th June, 2008

S.O. 1425.— It is hereby notified for general information that the organization Jai Research Foundation Society, Valsad, Gujarat has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of section 35 of the Income-tax Rules, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), with effect from 1-4-1999 in the category of 'other institution', partly engaged in research activities, subject to the following conditions, namely :—

(i) The sums paid to the aproved organization shall be utilized for scientific research;

(ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;

(iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;

(iv) The approved organizationshall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :—

(a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or

(b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or

(c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1;or

(d) ceases to carry on its research activities or its research activities are not found to be genuine;or

(e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 69/2008/F. No. 203/16/2008/ITA-II]

SURENDER PAL, Under Secy.

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 11 जून, 2008

का.आ. 1426.—भारतीय लघु उद्योग विकास बैंक अधिनियम, 1989 वर्ष (2000) में यथा संशोधित, की धारा (6)(1)(ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा, श्रीमती रवनीत कौर, संयुक्त सचिव, वित्त मंत्रालय, वित्तीय सेवाएं विभाग, को तत्काल प्रभाव से और अगले आदेश होने तक श्री राकेश सिंह के स्थान पर भारतीय लघु उद्योग विकास बैंक के बोर्ड में निदेशक के रूप में नामित करती है।

[फा. सं. 24/4/2002-आईएफ-1]

रमण कुमार गौड़, अवर सचिव

(Department of Financial Services)

New Delhi, the 11th June, 2008

S.O. 1426.— In exercise of powers conferred by Section (6)(1)(C) of the Small Industries Development Bank of India Act, 1989 as amended in the year 2000, the Central Government hereby nominates, Mrs. Ravneet Kaur, Joint Secretary, Department of Financial Services, Ministry of Finance, New Delhi as Director on the Board of Small Industries Development Bank of India with immediate effect and until further orders *vice* Shri Rakesh Singh.

[F. No. 24/4/2002-IF-1]

RAMAN KUMAR GAUR, Under Secy.

नई दिल्ली, 11 जून, 2008

का.आ. 1427.—भारतीय निर्यात-आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 6 की उपधारा (1) के खण्ड (ङ) के उप-खण्ड (i) के अनुसरण में, केन्द्रीय सरकार, एतद्द्वारा, श्रीमती रवनीत कौर, संयुक्त सचिव, वित्त मंत्रालय, वित्तीय सेवाएं विभाग, नई दिल्ली को श्री सकेश सिंह के स्थान पर भारतीय निर्यात-आयात बैंक के निदेशक बोर्ड में निदेशक के रूप में नामित करती है।

[फा. सं. 24/4/2002-आईएफ-1]

रमण कुमार गौड़, अवर सचिव

New Delhi, the 11th June, 2008

S.O. 1427.— In pursuance of sub-clause (i) of clause (e) of sub-section (1) of Section 6 of the Export Import Bank of India Act, 1981 (28 of 1981), Central Government hereby nominates Mrs. Ravneet Kaur, Joint Secretary, Department of Financial Services, Ministry of Finance, New Delhi as a Director on the Board of Directors of Export Import Bank of India vice Shri Rakesh Singh.

[F. No. 24/4/2002-IF-1]

RAMAN KUMAR GAUR, Under Secy.

नई दिल्ली, 12 जून, 2008

का.आ. 1428.—निक्षेप बीमा और प्रत्यय गारंटी निगम अधिनियम, 1961 (1961 का 47) की धारा 6 की उप-धारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा डॉ. शशांक सक्सेना, निदेशक, वित्तीय सेवाएं विभाग, को तत्काल प्रभाव से और अगले आदेशों तक श्री सुदेश कुमार के स्थान पर निक्षेप बीमा और प्रत्यय गारंटी निगम (डीआईसीजीसी) के निदेशक मण्डल में निदेशक के रूप में नामित करती है।

[फा. सं. 9/7/2007-बीओ-I]
जी. बी. सिंह, उप सचिव

New Delhi, the 12th June, 2008

S.O. 1428.—In exercise of the powers conferred by clause (c) of sub-section (1) of Section 6 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), the Central Government hereby nominates Dr. Shashank Saksena, Director, Department of Financial Services as a Director on the Board of Directors of Deposit Insurance and Credit Guarantee Corporation (DICGC) with immediate effect and until further orders *vice* Shri Sudesh Kumar.

[F. No. 9/7/2007-BO-I]
G. B. SINGH, Dy. Secy.

नागर विमानन मंत्रालय

(एएआई अनुभाग)

नई दिल्ली, 11 जून, 2008

का.आ. 1429.—भारतीय विमानपत्तन प्राधिकरण अधिनियम, 1994 (1994 की संख्या 55) की धारा 3 में निहित शक्तियों का प्रयोग करते हुए, केन्द्र सरकार श्रीमती विलासनी रामचन्द्रन, अपर सचिव एवं वित्त सलाहकार, नागर विमानन मंत्रालय को तत्काल प्रभाव से भारतीय विमानपत्तन प्राधिकरण बोर्ड में श्री रघु मेनन के स्थान पर अंशकालिक सदस्य नियुक्त करती है।

[सं. एवी-24015/005/94-वीबी]
ओमानन्द, अवर सचिव

MINISTRY OF CIVIL AVIATION

(AAI Section)

New Delhi, the 11th June, 2008

S.O. 1429.— In exercise of the powers conferred by Section 3 of the Airports Authority of India Act, 1994 (No. 55 of 1994), the Central Government hereby appoints Smt. Vilasani Ramchandran, Additional Secretary and Financial Adviser in the Ministry of Civil Aviation as Part-time Member on the Board of Airports Authority of India *vice* Shri Raghu Menon with immediate effect.

[No. AV-24015/005/94-VB]
OMA NAND, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 6 जून, 2008

का.आ. 1430.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में एतद्द्वारा निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त प्रथम अनुसूची "डा. एन.टी.आर. स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा, आंध्र प्रदेश" के सामने "मान्यताप्राप्त चिकित्सा अर्हता" [स्तंभ (2) में] शीर्षक के अन्तर्गत तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [स्तंभ (3) में] शीर्षक के अन्तर्गत निम्नलिखित जोड़ा जाएगा, अर्थात् :—

(2)	(3)
"बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी"	एम.बी.बी.एस. (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह "डा. एन.टी.आर. स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा, आंध्र प्रदेश द्वारा पी ई एस इंस्टीट्यूट ऑफ मेडिकल साइंसेज एंड रिसर्च कुप्पम, आंध्र प्रदेश में प्रशिक्षित छात्रों के संबंध में वर्ष 2007 से प्रदान की गई हो।)

[सं. यू-12012/42/2001-एम.ई. (पी-II)]
एन. बारिक, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 6th June, 2008

S.O. 1430.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said First Schedule against "Dr. NTR University of Health Sciences, Vijaywada, Andhra Pradesh" under the heading 'Recognized Medical Qualification' [in column (2)] and under the heading "Abbreviation for Registration" [in column (3)], the following shall be inserted, namely :—

(2)	(3)
"Bachelor of Medicine and Bachelor of Surgery"	M.B.B.S. (This shall be a recognized medical qualification when granted by Dr. NTR University of Health Sciences, Vijaywada, Andhra Pradesh with the effect from the year 2007 in respect of students trained at P.E.S. Institute of Medical Sciences and Research, Kuppam, Andhra Pradesh).

[No. U-12012/42/2001-M.E. (P-II)]
N. BARIK, Under Secy.

नई दिल्ली, 6 जून, 2008

का.आ. 1431.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में एतद्द्वारा निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त प्रथम अनुसूची में "पाण्डिचेरी विश्वविद्यालय, पाण्डिचेरी" के सामने "मान्यताप्राप्त चिकित्सा अर्हता" [स्तंभ (2) में] शीर्षक के अन्तर्गत तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [स्तंभ (3) में] शीर्षक के अन्तर्गत निम्नलिखित जोड़ा जाएगा, अर्थात् :—

(2)	(3)
"बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी"	एम.बी.बी.एस. (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह पाण्डिचेरी विश्वविद्यालय, पाण्डिचेरी द्वारा पाण्डिचेरी आयुर्विज्ञान संस्थान, पाण्डिचेरी में प्रशिक्षित छात्रों के संबंध में वर्ष 2007 से प्रदान की गई हो।)

[सं. यू-12012/41/2001-एम.ई. (पी-II)]

एन. बारिक, अवर सचिव

New Delhi, the 6th June, 2008

S.O. 1431.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said First Schedule against "Pondicherry Univessity, Pondicherry" under the heading 'Recognized Medical Qualification' [in column (2)] and under the heading "Abbreviation for Registration" [in column (3)], the following shall be inserted, namely :—

(2)	(3)
"Bachelor of Medicine and Bachelor of Surgery"	M.B.B.S. (This shall be a recognized medical qualification when granted by Pondicherry University, Pondicherry with effect from the year 2007 in respect of students trained at Pondicherry Institute of Medical Sciences, Pondicherry.)

[No. U-12012/41/2001-M.E. (P-II)]

N. BARIK, Under Secy.

नई दिल्ली, 6 जून, 2008

का.आ. 1432.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में एतद्द्वारा निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त प्रथम अनुसूची में "राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर, कर्नाटक" के सामने "मान्यताप्राप्त चिकित्सा अर्हता" [स्तंभ (2) में] शीर्षक के अन्तर्गत तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [स्तंभ (3) में] शीर्षक के अन्तर्गत निम्नलिखित जोड़ा जाएगा, अर्थात् :—

(2)	(3)
"बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी"	एम.बी.बी.एस. (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर, कर्नाटक द्वारा के.वी.जी. मेडिकल कालेज एवं अस्पताल, सुलिया, कर्नाटक में प्रशिक्षित छात्रों के संबंध में वर्ष 2007 से प्रदान की गई हो।)

[सं. यू-12012/14/2000-एम.ई. (पी-II)]

एन. बारिक, अवर सचिव

New Delhi, the 6th June, 2008

S.O. 1432.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said First Schedule against "Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka" under the heading 'Recognized Medical Qualification' [in column (2)] and under the heading "Abbreviation for Registration" [in column (3)], the following shall be inserted, namely :—

(2)	(3)
"Bachelor of Medicine and Bachelor of Surgery"	M.B.B.S. (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka with effect from the year 2007 in respect of students trained at K.V.G. Medical College and Hospital, Sullia, Karnataka.)

[No. U-12012/14/2000-M.E. (P-II)]

N. BARIK, Under Secy.

नई दिल्ली, 9 जून, 2008

का.आ. 1433.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में एतद्द्वारा निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त प्रथम अनुसूची में "डा. एन. टी. आर. स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा, आंध्र प्रदेश" के सामने "मान्यताप्राप्त चिकित्सा अर्हता" [स्तंभ (2) में] शीर्षक के अन्तर्गत तथा 'पंजीकरण के लिए संक्षेपण' [स्तंभ (3) में] शीर्षक के अन्तर्गत निम्नलिखित जोड़ा जाएगा, अर्थात् :—

(2)	(3)
"बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी"	एम. बी. बी. एस. (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह "डा. एन.टी.आर. स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा, आंध्र प्रदेश द्वारा मेडिसिटी इंस्टीट्यूट ऑफ मेडिकल साइंसेज, घानपुर, आंध्र प्रदेश में प्रशिक्षित छात्रों के संबंध में वर्ष 2007 से प्रदान की गई हो ।

[सं. यू-12012/111/2000-एम.ई. (पी-II)]

एन. बारिक, अवर सचिव

New Delhi, the 9th June, 2008

S.O. 1433.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said First Schedule against "Dr. NTR University of Health Sciences, Vijaywada, Andhra Pradesh" under the heading 'Recognized Medical Qualification' [in column (2)] and under the heading 'Abbreviation for Registration" [in column (3)], the following shall be inserted, namely :—

(2)	(3)
"Bachelor of Medicine and Bachelor of Surgery"	M.B.B.S. (This shall be a recognized medical qualification when granted by Dr. NTR University of Health Sciences, Vijaywada, Andhra Pradesh with effect from the year 2007 in respect of students trained at Medicity Institute of Medical Sciences, Ghanpur, Andhra Pradesh.)

[No. U-12012/111/2000-M.E. (P-II)]

N. BARIK, Under Secy.

नई दिल्ली, 10 जून, 2008

का.आ. 1434.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में एतद्द्वारा निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त प्रथम अनुसूची में "डा. एन. टी. आर. स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा, आंध्र प्रदेश" के सामने "मान्यताप्राप्त चिकित्सा अर्हता" [स्तंभ (2) में] शीर्षक के अन्तर्गत तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [स्तंभ (3) में] शीर्षक के अन्तर्गत निम्नलिखित जोड़ा जाएगा, अर्थात् :—

(2)	(3)
"बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी"	एम. बी. बी. एस. (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह "डा. एन.टी.आर. स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा, आंध्र प्रदेश द्वारा प्रतिमा आयुर्विज्ञान संस्थान, करीमनगर, आंध्र प्रदेश में प्रशिक्षित छात्रों के संबंध में वर्ष 2007 से प्रदान की गई हो ।)

[सं. यू-12012/38/2001-एम.ई. (पी-II)]

एन. बारिक, अवर सचिव

New Delhi, the 10th June, 2008

S.O. 1434.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said First Schedule against "Dr. NTR University of Health Sciences, Vijaywada, Andhra Pradesh" under the heading 'Recognized Medical Qualification' [in column (2)] and under the heading 'Abbreviation for Registration' [in column (3)], the following shall be inserted, namely :—

(2)	(3)
"Bachelor of Medicine and Bachelor of Surgery"	M.B.B.S. (This shall be a recognized medical qualification when granted by Dr. NTR University of Health Sciences, Vijaywada, Andhra Pradesh with effect from the year 2007 in respect of students trained at Prathima Institute of Medical Sciences, Karimnagar, Andhra Pradesh.)

[No. U-12012/38/2001-ME (P-II)]

N. BARIK, Under Secy.

संचार एवं सूचना प्रौद्योगिकी मंत्रालय
(डाक विभाग)
(बिल्डिंग शाखा)
शुद्धि-पत्र

नई दिल्ली, 12 जून, 2008

का. आ. 1435.—भारत के राजपत्र भाग-II, 3(ii) दिनांक 11-9-1993 में प्रकाशित अधिसूचना और भाग-II, 3(ii) में का.आ. सं. 3210 दिनांक 12-11-1994 और का.आ. सं. 184(अ) दिनांक 19-9-1998 के साथ प्रकाशित अधिसूचना द्वारा जारी संशोधनों में डाक विभाग के सम्पदा अधिकारियों के तौर पर कार्य करने के लिए नियुक्त केन्द्रीय सरकार के राजपत्रित अधिकारियों के संबंध में, पश्चिम बंगाल सर्किल में निम्नलिखित परिवर्तन किए गए हैं :—

क्रम सं.	डाक सर्किल का नाम	अधिकारी का पदनाम	क्षेत्राधिकार
1.	पश्चिम बंगाल सर्किल	सहा. निदेशक डाक सेवाएं (स्था.), मुख्य पोस्टमास्टर जनरल का कार्यालय, पश्चिम बंगाल सर्किल	मुख्यालय क्षेत्र, कोलकाता क्षेत्र और एमएम क्षेत्र, अंडमान व निकोबार द्वीप समूह को छोड़कर
2.	पश्चिम बंगाल सर्किल	निदेशक डाक सेवाएं, दक्षिण बंगाल क्षेत्र	दक्षिण बंगाल क्षेत्र
3.	पश्चिम बंगाल सर्किल	निदेशक डाक सेवाएं, उत्तर बंगाल और सिक्किम क्षेत्र, सिलीगुड़ी	उत्तर बंगाल और सिक्किम क्षेत्र-सिक्किम राज्य को छोड़कर
4.	पश्चिम बंगाल सर्किल	निदेशक डाक सेवाएं, सिक्किम राज्य, गंगटॉक	सिक्किम राज्य
5.	पश्चिम बंगाल सर्किल	निदेशक डाक सेवाएं, अंडमान व निकोबार द्वीपसमूह, पोर्ट ब्लेयर	अंडमान व निकोबार द्वीप समूह

[सं. 2-119/90-भवन]

बी. एस. चोपड़ा, सहा. महानिदेशक (भवन)

MINISTRY OF COMMUNICATIONS AND IT
(Department of Posts)
(Building Branch)
CORRIGENDUM

New Delhi, the 12th June, 2008

S.O. 1435.—In the Notification published in the Gazette of India in Part-II, 3(ii) dated 11-9-1993 in respect of the Central Government Gazetted Officers appointed to act as Estate Officers in the Department of Posts and amendments issued vide Notification published with No. S.O. 3210 dated 12-11-94 and No. S.O. 184 (E) dated 19-9-1998 in Part II, 3 (ii), the following further changes may be made in respect of West Bengal Circle :—

S.No.	Name of Postal Circle	Designation of Officer	Territorial jurisdiction
1.	West Bengal Circle	Asstt. Director of Postal Services	H.Q. Region, Kolkata Region and MM (Estt.) O/o CPMG, West Bengal Circle Region except A & N Islands Division
2.	West Bengal Circle	Director of Postal Services, South Bengal Region	South Bengal Region
3.	West Bengal Circle	Director of Postal Services, North Bengal and Sikkim Region, Siliguri	North Bengal and Sikkim Region except Sikkim State
4.	West Bengal Circle	Director of Postal Services, Sikkim State Gangtok	Sikkim State
5.	West Bengal Circle	Director of Postal Services, A & N Islands, Port Blair.	A & N Islands

[No. 2-119/90-Bldg.]

B. S. CHOPRA, Asstt. Director General (Bldg.)

कृषि मंत्रालय
(कृषि एवं सहकारिता विभाग)

नई दिल्ली, 10 जून, 2008

का.आ. 1436.— केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में कृषि एवं सहकारिता विभाग, कृषि मंत्रालय के नियंत्रणाधीन राष्ट्रीय जैविक खेती केन्द्र, गाजियाबाद के निम्नलिखित क्षेत्रीय कार्यालय को जिसके 80% कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

क्षेत्रीय जैविक खेती केन्द्र,
34-V, मुख्य मार्ग, हेब्बाल, बंगलौर-560 024 (कर्नाटक)

[सं. 3-6/2004-हिन्दी नीति]

पंकज कुमार, संयुक्त सचिव

MINISTRY OF AGRICULTURE
(Department of Agriculture and Cooperation)

New Delhi, the 10th June, 2008

S.O. 1436.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rule, 1976, the Central Government hereby notifies following Regional Office of the National Centre of Organic Farming, Ghaziabad under the Control of the Department of Agriculture and Cooperation, Ministry of Agriculture, 80% Staff whereof have acquired the working knowledge of Hindi :—

Regional Centre of Organic Farming,
34-V, Main Road, Hebbal, Banglore-560 024
(Karnataka)

[No. 3-6/2004-Hindi Neeti]

PANKAJ KUMAR, Jt. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

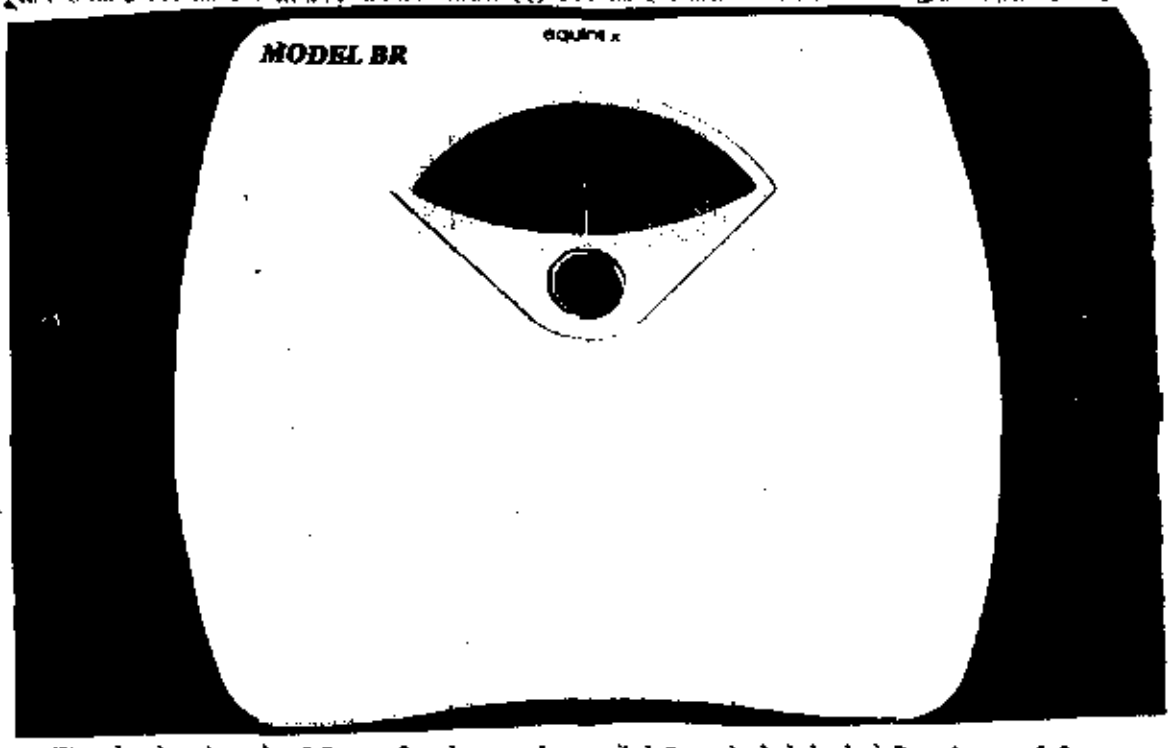
(उपभोक्ता मामले विभाग)

नई दिल्ली, 7 मार्च, 2008

का.आ. 1437.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स करेल प्रसिशन (यांगझउ) कं. लि., नं. 28, झिंगयांग रोड, इकॉनोमिक डवलपमेंट जोन, यांगझउ सिटी, जिआंगसू प्रोविंस, चीन-225009 द्वारा विनिर्मित सामान्य यथार्थता (यथार्थता वर्ग IIII) वाले "बी आर" शृंखला एनलाग सूचन सहित, अस्वचालित तोलन उपकरण (मैकेनिकल व्यक्ति तोलन मशीन) के माडल का, जिसके ब्रांड का नाम "इक्वीनॉक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स इक्वीनॉस ओवरसीज प्रा. लि., बी-92 मालवीय नगर, नई दिल्ली-110017 द्वारा बिक्री से पहले या बाद में बिना किसी परिवर्तन के भारत में विपणित किया गया और जिसे अनुमोदन चिह्न आई एन डी /09/07/349 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ।

उक्त माडल मैकेनिकल स्प्रिंग आधारित एनालॉग सूचन सहित अस्वचालित तोलन उपकरण है । इसकी अधिकतम क्षमता 150 कि.ग्रा. है और न्यूनतम क्षमता 5 कि. ग्रा. है । सत्यापन मापमान अंतराल (ई) 500 ग्रा. है । तोल का परिणाम डायल द्वारा उपदर्शित होता है ।



स्टांपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और माडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा । माडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित माडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 1000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 कि.ग्रा. से अधिक और 200 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(150)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

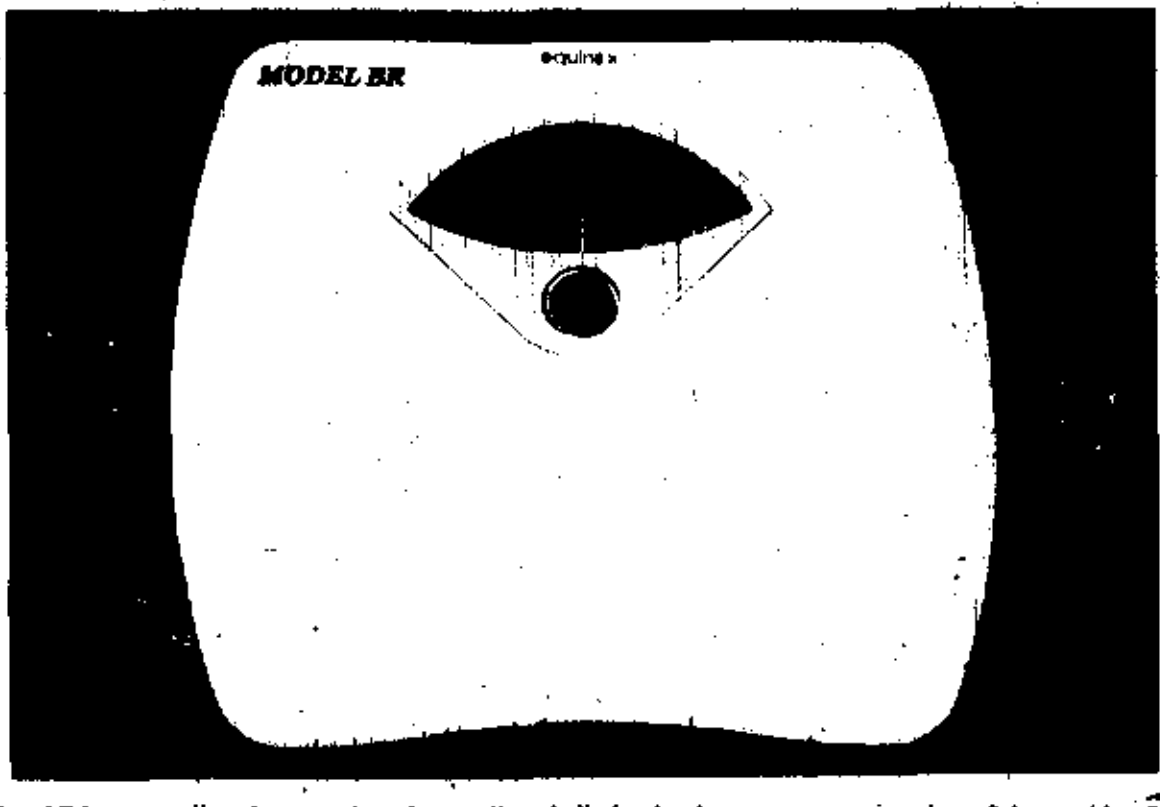
(Department of Consumer Affairs)

New Delhi, the 7th March, 2008

S.O. 1437.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument with analogue indication (mechanical Person weighing machine) of "BR" series of ordinary accuracy class (Accuracy class III) belonging to ordinary accuracy class (Accuracy class III) with brand name "EQUINOX" (hereinafter referred to as the said model), manufactured by M/s. Krell Precision (Yangzhou) Co. Ltd., No. 28, Xingyang Road, Economic Development Zone, Yangzhou City, Jiangsu Province, China 225009 and marketed in India without any alteration before or after sale by M/s. Equinox Overseas Pvt. Ltd., B-92, Malviya Nagar, New Delhi-110017 and which is assigned the approval mark IND/09/07/349.

The said model is a mecahnical spring based non-automatic weighing instrument with analogue indication of maximum capacity 150kg and minimum capacity of 5kg. The value of verification scale interval 'e' is 500g. The result of measurement is indicated by a dial.



In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 100kg and up to 200kg and with number of verification scale interval (n) in the range of 100 to 1000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or nagative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (150)/2007]

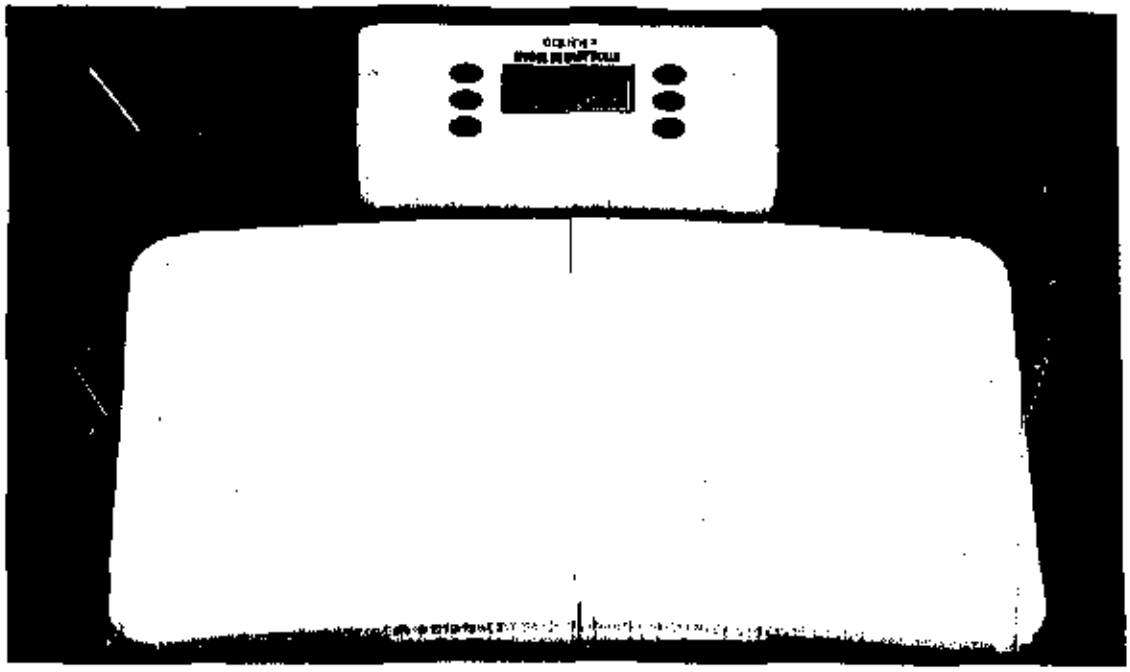
R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 7 मार्च, 2008

का.आ. 1438.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स करेल प्रसिशन (यांगझउ) कं. लि., नं. 28, झिंगयांग रोड, इकनोमिक डवलपमेंट जोन, यांगझउ सिटी, जिआंगसू प्रोविंस, चीन-225009 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "बी ई" शृंखला अंकक सूचन सहित, अस्वचालित तोलन उपकरण (बेबी तोलन मशीन) के मॉडल का, जिसके ब्रांड का नाम "इक्वीनॉक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स इक्वीनोक्स ओलरसीज प्रा. लि., बी-92 मालवीय नगर, नई दिल्ली-110017 द्वारा बिक्री से पहले या बाद में बिना किसी परिवर्तन के भारत में विपणित किया गया और जिसे अनुमोदन चिह्न आई एन डी/09/07/350 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ।

उक्त मॉडल विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (बेबी तोलन प्रकार) है । इसकी अधिकतम क्षमता 20 कि.ग्रा. है और न्यूनतम क्षमता 200 ग्रा. है । सत्यापन मापमान अंतराल (ई) 10 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । लिक्विड क्रिस्टल डायोड (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है । उपकरण 9 वोल्ट प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



स्टार्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा.और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा । मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 30 कि.ग्रा. की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(150)/2007]

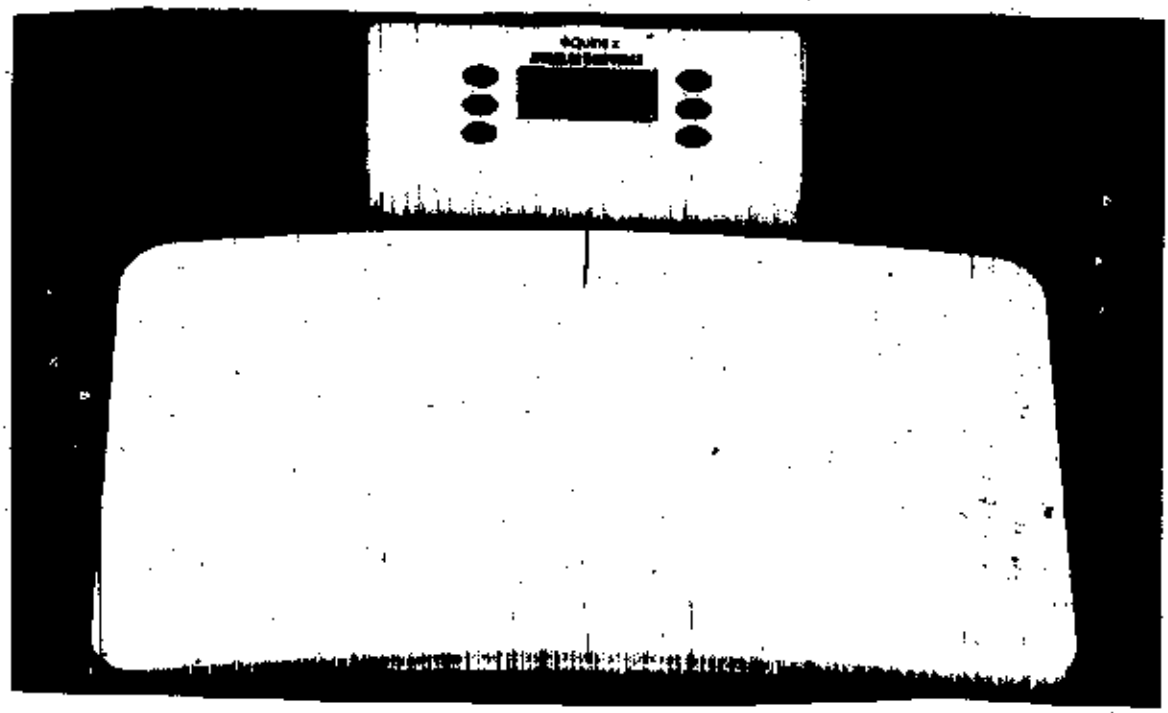
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2008

S.O. 1438.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (baby weighing type)weighing instrument with digital indication of "BE" series of medium accuracy (accuracy class III) and with brand name "EQUINOX" (herein after referred to as the said model), manufactured by M/s. Krell Precision (Yangzhou) Co. Ltd., No: 28, Xingyang Road, Economic Development Zone, Yangzhou City, Jiangsu province, China 225009 and marketed in India without any alteration before or after sale by M/s. Equinox Overseas Pvt. Ltd., B-92, Malviya Nagar, New Delhi-110017 and which is assigned the approval mark IND/09/07/350.

The said model is a strain gauge type load Cell based non-automatic weighing instrument (baby weighing type) with a maximum capacity of 20kg and minimum capacity of 200g. The verification scale interval (e) is 10g. It has a tare device with 100 percent subtractive retained tare effect. The Liquid Crystal Diode (LCD) indicates the weighing result. The instrument operates on 9 volts D C power supply.



In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its materail, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instument of simalr make, accuracy and performance of same series with maximum capacity up to 30kg with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or nagative whole number or equal to zero. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (150)/2007]

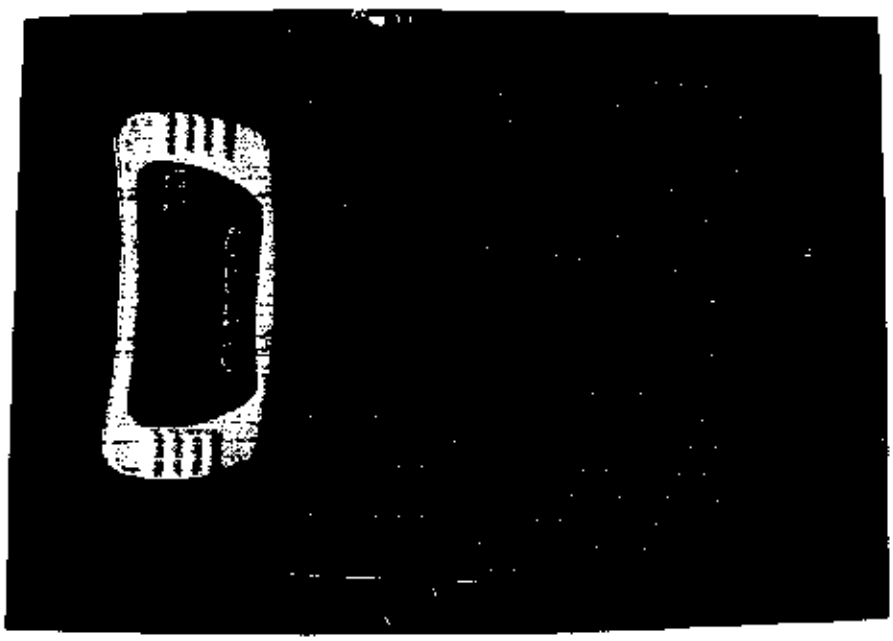
R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 7 मार्च, 2008

का.आ. 1439.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स करेल प्रसिशन (यांगझउ) कं. लि., नं. 28, झिंगयांग रोड, इकनोमिक डवलपमेंट जोन, यांगझउ सिटी, जिआंगसू प्रोविंस, चीन-225009 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "ई बी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (व्यक्ति तोलन मशीन) के माडल का, जिसके ब्रांड का नाम "इक्वीनॉक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स इक्वीनॉक्स ओवरसीज प्रा. लि., बी-92, मालवीय नगर, नई दिल्ली-110017 द्वारा बिक्री से पहले या बाद में बिना किसी परिवर्तन के भारत में विपणित किया गया और जिसे अनुमोदन चिह्न आई एन डी /09/07/351 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है ।

उक्त मॉडल विकृत गेज प्रकार का भार सेल आधारित तोलन उपकरण है । इसकी अधिकतम क्षमता 150कि.ग्रा. है और न्यूनतम क्षमता 2 कि.ग्रा. है । सत्यापन मापमान अंतराल (ई) 100 ग्रा. है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 9 वोल्ट प्रत्यक्ष धारा विद्युत प्रदाय पर कार्य करता है ।



मॉडल के सीलिंग प्रावधान का स्कीम डायग्राम

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डयग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा । मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित माडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 कि.ग्रा. से अधिक और 200 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(150)/2007]

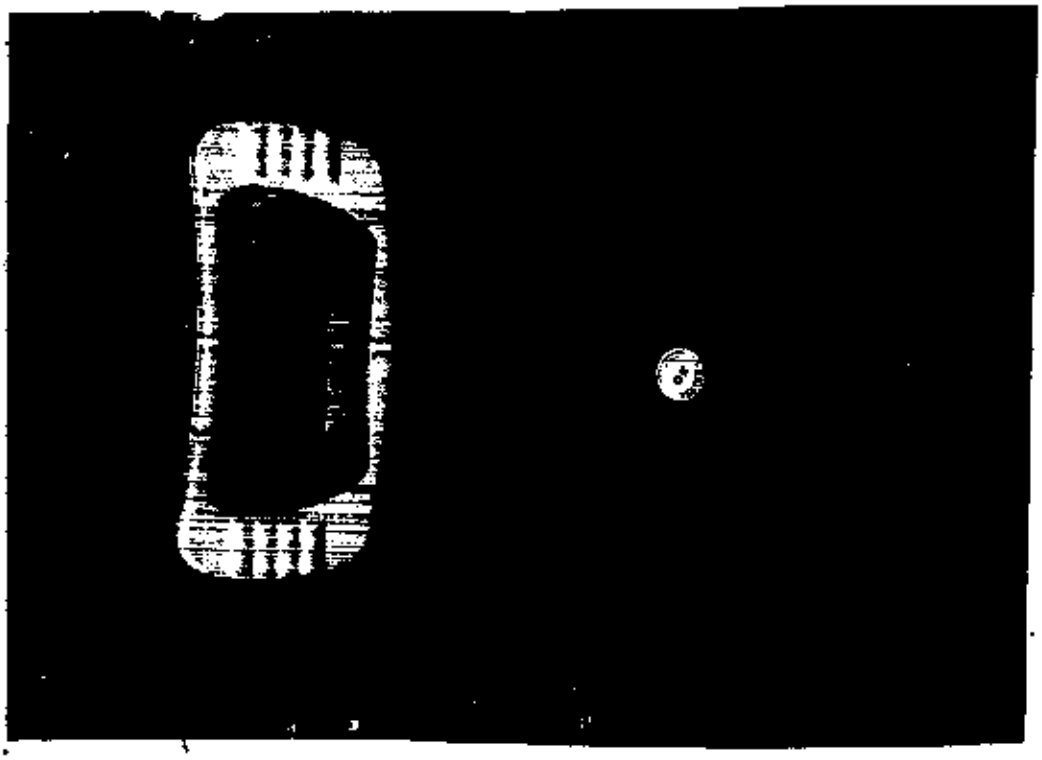
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2008

S.O. 1439.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument with digital indication (Person Weighing Machine) of medium accuracy (Accuracy class-III) belonging to 'EB' series with brand name "EQUINOX" (herein after referred to as the said model), manufactured by M/s. Krell Precision (Yangzhou) Co. Ltd., No. 28, Xingyang Road, Economic Development Zone, Yangzhou City, Jiangsu Province, China 225009 and marketed in India without any alteration before or after sale by M/s. Equinox Overseas Pvt. Ltd., B-92, Malviya Nagar, New Delhi-110017 and which is assigned the approval mark IND/09/07/351.

The said model is a strain gauge type load cell based weighing instrument with the maximum capacity of 150kg and minimum capacity is 2kg. The verification scale interval (e) is 100g. The display is of Light Emitting Diode (LED) type. The instrument operates on 9 volts D C power supply.



In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instument of simalr make, accuracy and performance of same series with maximum capacity in the range of 100kg to 200kg with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g or more and with 'e' value 1×10^k, 2×10^k or 5×10^k, k being a positive or nagative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (150)/2007]

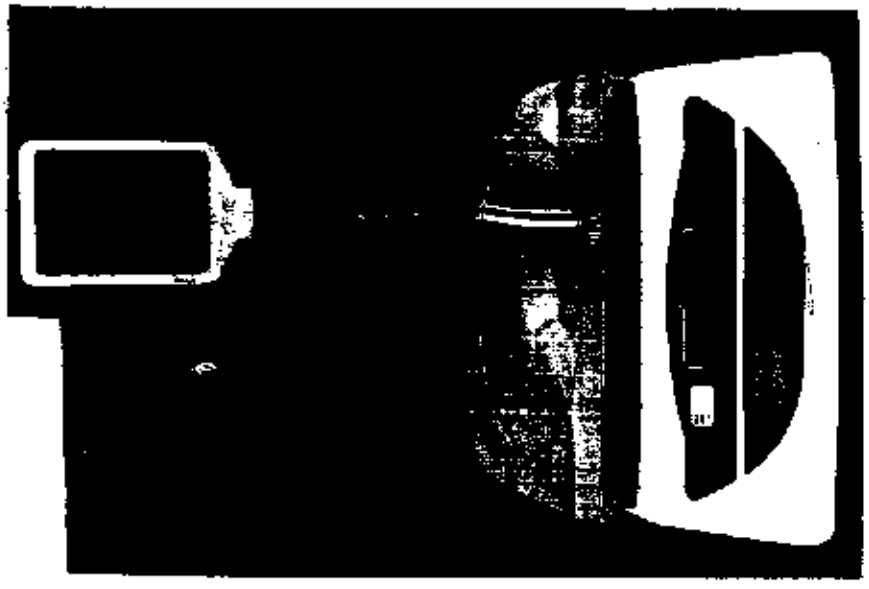
R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 14 मार्च, 2008

का.आ. 1440.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स शक्ति यूनिटेक इंस्ट्रूमेंटस प्राइवेट लि., 202, वीना इंडस्ट्रीयल एस्टेट, एल बी एस मार्ग, विखरोली(ई), मुंबई-400 083 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एस एच टी बी-30" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "शक्ति यूनिटेक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी /09/07/446 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है ।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है । इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है । सत्यापन मापमान अंतराल (ई) 2 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



स्टैम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंध किया जाएगा तथा माडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डयग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा । मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मिली ग्रा. तक "ई" मान के लिए 100 से 50000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 मिली ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक और 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, 5×10^{k}, के हैं, जहां पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(197)/2007]

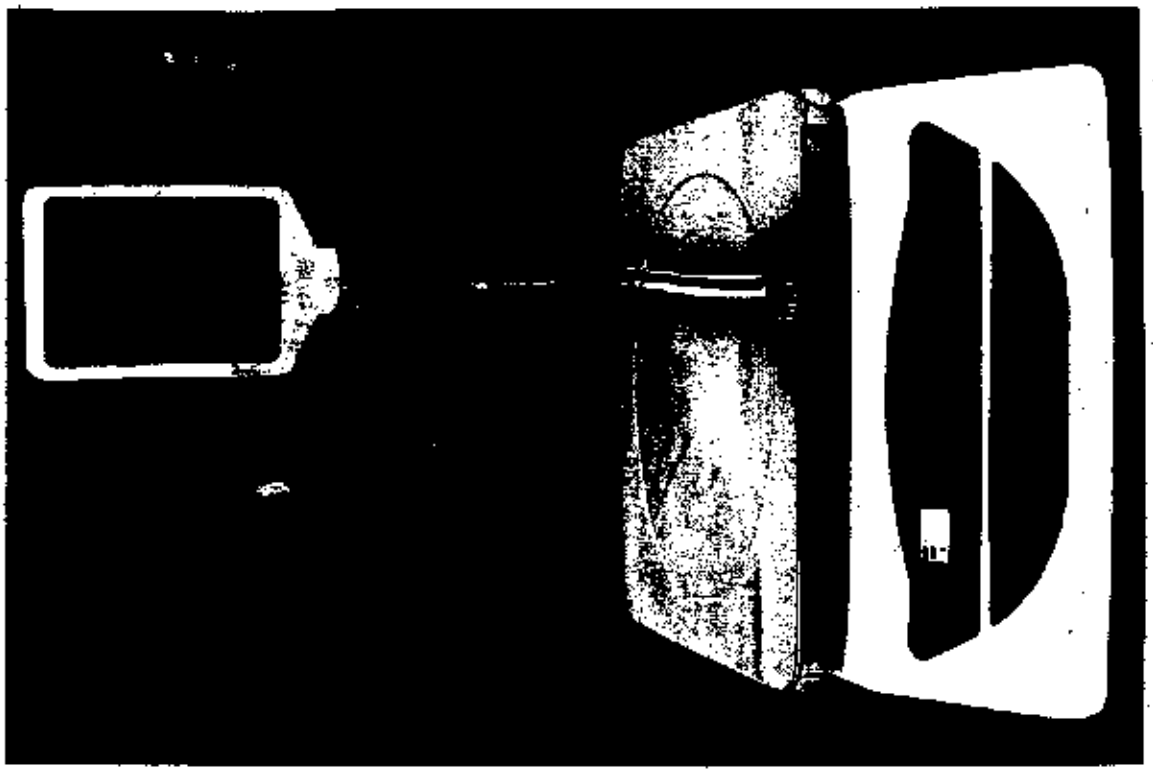
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1440.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Tabletop Type) with digital indication of "SHTB-30" series of high accuracy (Accuracy class-II) and with brand name "SHAKTI UNITECH" (herein referred to as the said model), manufactured by M/s. Shakti Unitech Instruments Pvt. Ltd., 202, Veena Industrial Estate, L.B.S. Marg, Vikhroli (E), Mumbai-400 083 and which is assigned the approval mark IND/09/07/446.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emiting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternative current power supply.



The sealing shall be done by single wire at the back side of the indicator to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1mg. to 50 mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or nagative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (197)/2007]

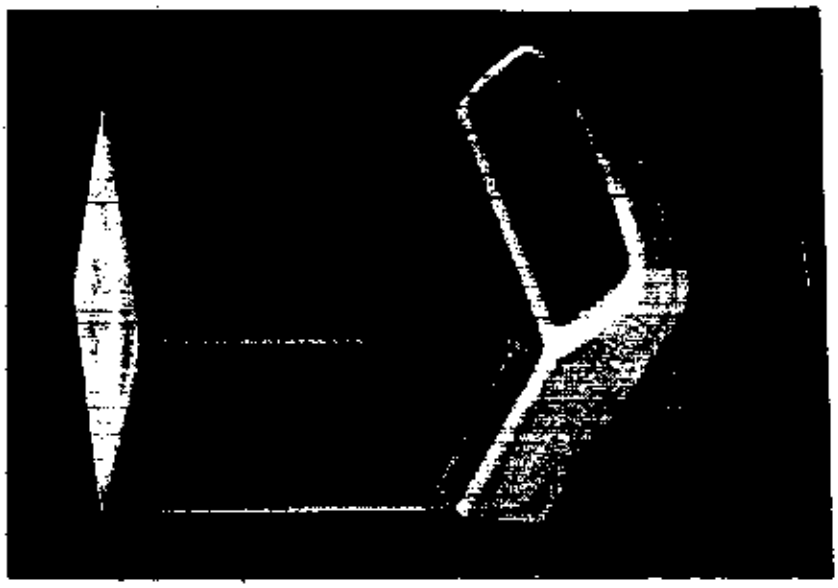
R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 14 मार्च, 2008

का.आ. 1441.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स शक्ति यूनिटेक इंस्ट्रूमेंटस प्राइवेट लि., 202, वीना इंडस्ट्रीयल एस्टेट, एल बी एस मार्ग, विक्रोली(ई), मुंबई-400 083 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एस एच एम एस-300" शृंखला अंकक सूचन सहित, अस्वचालित तोलन (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "शक्ति यूनिटेक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/07/447 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी प्रकाशित करती है ।

उक्त मॉडल एक इलेक्ट्रो मेगनेटिक फोर्स कम्प्रेशन सिद्धांत पर आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) है । इसकी अधिकतम क्षमता 300 ग्रा. है और न्यूनतम क्षमता 0.20 ग्रा. है । सत्यापन मापमान अंतराल (ई) 0.01 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



स्टॉपिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंध किया जाएगा तथा मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डयग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा । मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मिली ग्रा. तक "ई" मान के लिए 100 से 50000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 मिली ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक और 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, अथवा 5×10^{k}, के हैं, जहां पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(197)/2007]

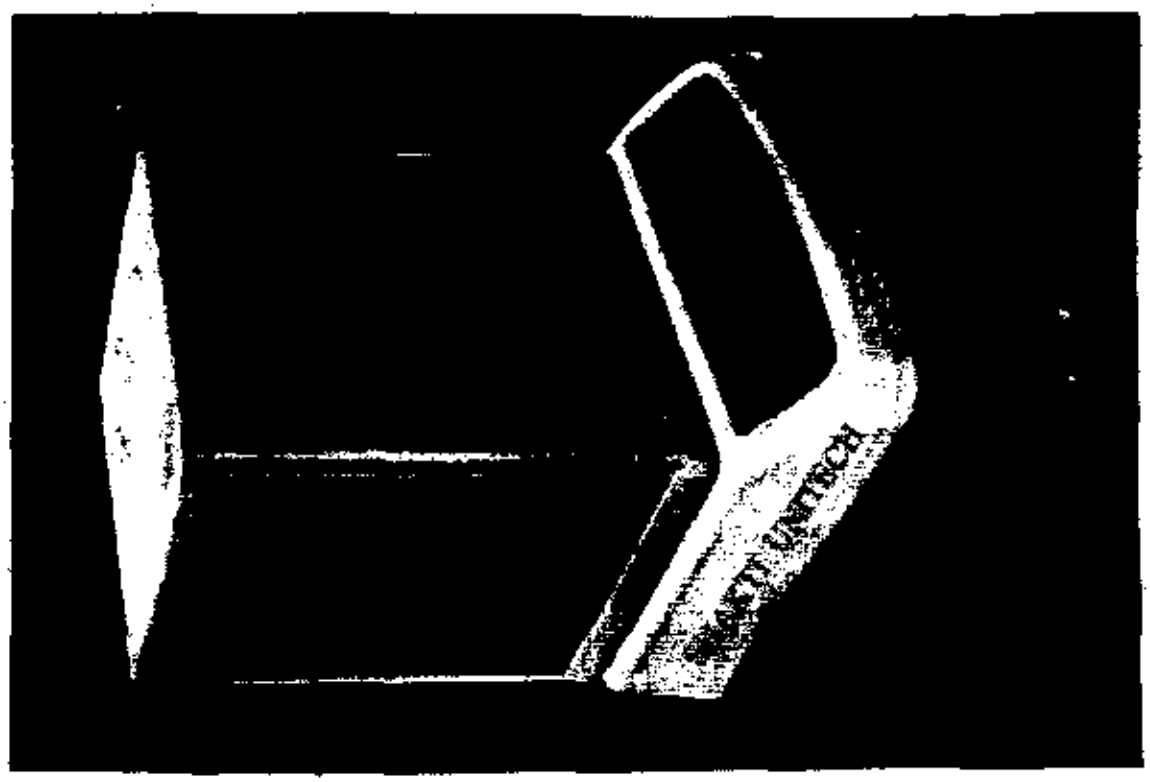
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1441.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to *maintain* its *accuracy* over *periods* of *sustained* use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Tabletop Type) with digital indication of "SHMS-300" series of high accuracy (Accuracy class-II) and with brand name "SHAKTI UNITECH" (herein referred to as the said model), manufactured by M/s. Shakti Unitech Instruments Pvt. Ltd., 202, Veena *Industrial* Estate, L.B.S. Marg, Vikhroli (E), *Mumbai-400* 083 and which is *assigned* the *approval* mark IND/09/07/447.

The said model is an Electro Magnetic Force Compensation Principle based non-automatic weighing instrument (Tabletop Type) with a maximum capacity of 300 g. and minimum capacity of 0.20 g. The verification scale interval (e) is 0.01g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emiting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



The sealing shall be done by single wire at the back side of the indicator to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1mg. to 50 mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (197)/2007]

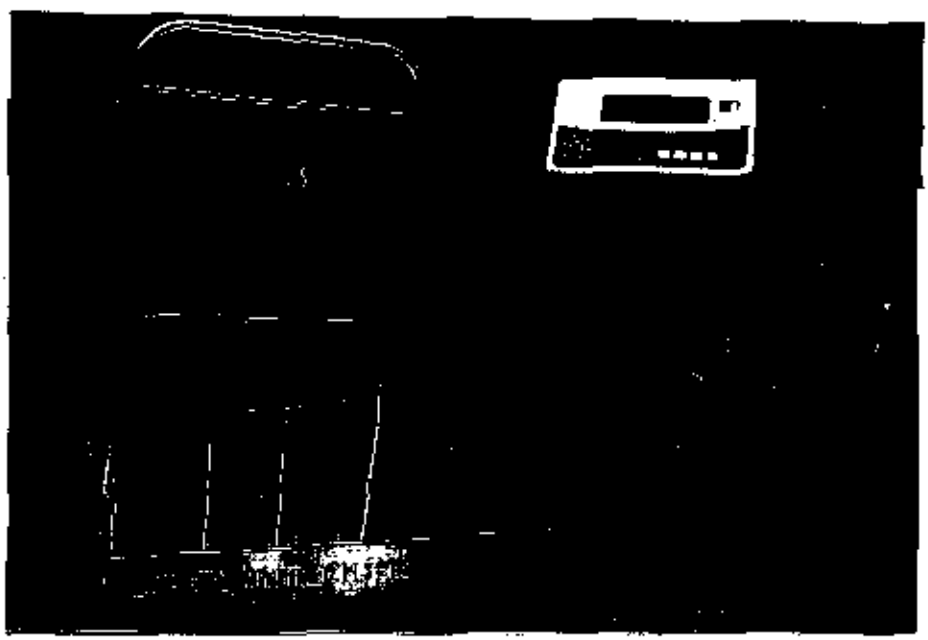
R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 14 मार्च, 2008

का.आ. 1442.—केन्द्रीय सरकार को, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स शक्ति यूनिटेक इंस्ट्रूमेंट्स प्राइवेट लि., 202, वीना इंडस्ट्रीयल एस्टेट, एल बी एस मार्ग, विखरोली(ई), मुंबई-400 083 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "एस एच पी बी-100" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "शक्ति यूनिटेक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/07/448 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है । इसकी अधिकतम क्षमता 100 कि. ग्रा. है और न्यूनतम क्षमता 5 कि. ग्रा. है । सत्यापन मापमान अंतराल (ई) 10 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



स्टांपिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा तथा मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डयग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा । मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, अथवा 5×10^{k}, के हैं, जहां पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(197)/2007]

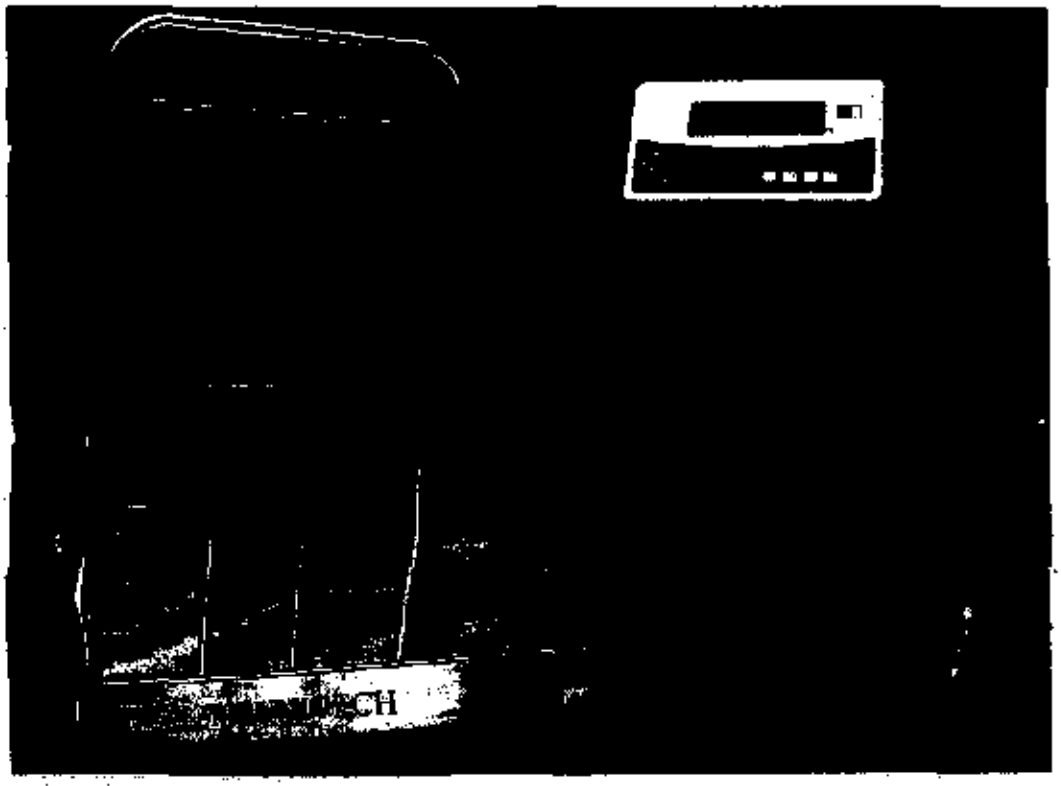
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1442.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Platform Type) with digital indication of "SHPB-100" series of high accuracy (Accuracy class-II) and with brand name "SHAKTI UNITECH" (herein referred to as the said model), manufactured by M/s. Shakti Unitech Instruments Pvt. Ltd., 202, Veena Industrial Estate, L.B.S. Marg, Vikhroli (E), Mumbai-400 083 and which is assigned the approval mark IND/09/07/448;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 100kg and minimum capacity of 5kg. The verification scale interval (e) is 10g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



The sealing shall be done by single wire at the back side of the indicator to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instument of simalr make and performance of same series with maximum capacity range above 50kg and up to 5000kg and with number of verification scale interval (n) in the range of 5000 to 50000 for 'e' value of 100mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (197)/2007]

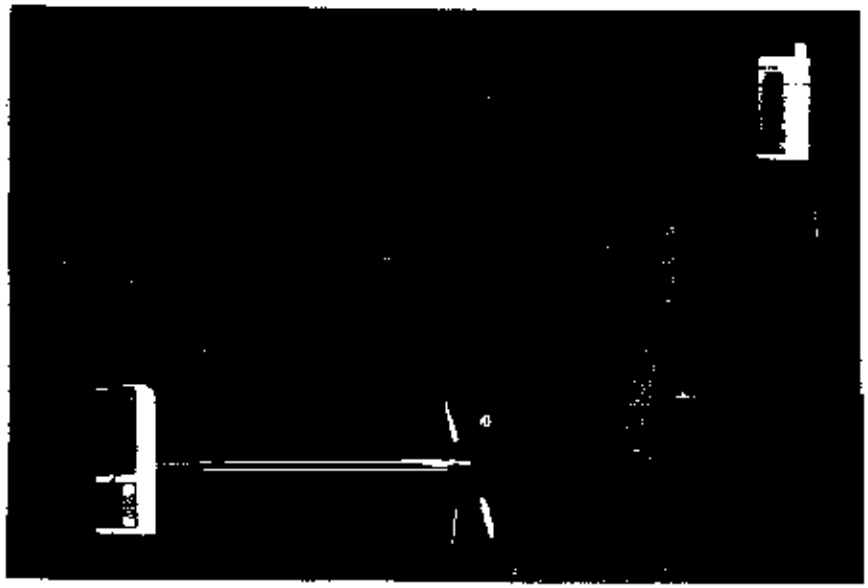
R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 14 मार्च, 2008

का.आ. 1443.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स शक्ति यूनिटेक इंस्ट्रूमेंटस प्राइवेट लि., 202, वीना इंडस्ट्रीयल एस्टेट, एल बी एस मार्ग, विखरोली(ई), मुंबई-400 083 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एस एच पी सी-1टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के माडल का, जिसके ब्रांड का नाम "शक्ति यूनिटेक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी /09/07/449 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त माडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है । इसकी अधिकतम क्षमता 1000 कि. ग्रा. है और न्यूनतम क्षमता 2 कि. ग्रा. है । सत्यापन मापमान अंतराल (ई) 100 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है । मशीन में कि.ग्रा. को लिटर में बदलने की सुविधा है ।



स्टाँपिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंध किया जाएगा तथा मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा । मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" 1×10^{k}, 2×10^{k} अथवा 5×10^{k}, के हैं, जहां पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(197)/2007]

आर. माथुरभूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1443.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, *therefore*, in exercise of the powers conferred by sub-sections (7) and (8) of *Section* 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "SHPC-1T" series of medium accuracy (Accuracy class-III) and with brand name "SHAKTI UNITECH" (herein referred to as the said model), manufactured by M/s. Shakti Unitech Instruments Pvt. Ltd., 202, Veena Industrial Estate, L.B.S. Marg, Vikhroli (E), Mumbai-400 083 and which is assigned the approval mark IND/09/07/449;

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000kg and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent *subtractive* retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The *instrument* operates on 230 Volts and 50 Hertz alternative current power supply. The machine is also having facility for conversion of kg. to litre.

The sealing shall be done by single wire at the back side of the indicator to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg and up to 5000 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (197)/2007]

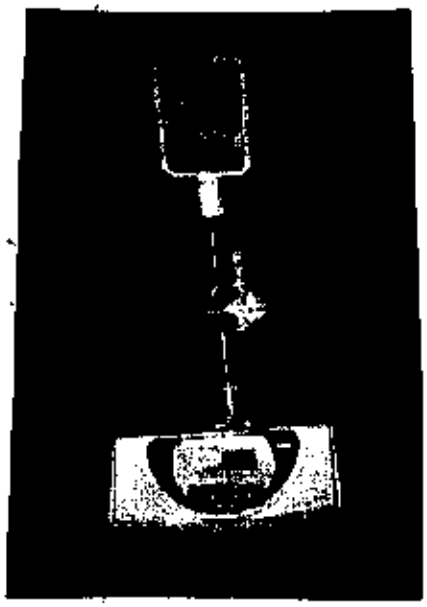
R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 14 मार्च, 2008

का.आ. 1444.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स जी एस इंटरप्राइजेज, दाल बाजार, लश्कर, ग्वालियर, मध्य प्रदेश द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "जीएसटी" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "रिजेंट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी /09/07/428 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है । इसकी अधिकतम क्षमता 30 कि. ग्रा. है और न्यूनतम क्षमता 250 ग्रा. है । सत्यापन मापमान अंतराल (ई) 5 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



स्क्रीपिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा तथा मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा । मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मिली ग्रा. से 50 मिली ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक और 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, 5×10^{k}, के हैं, जहां पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(240)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1444 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Table top type) with digital indication of "GST" series of high accuracy (Accuracy class-II) and with brand name "REGENT" (herein referred to as the said model), manufactured by M/s. G. S. Enterprises, Dal Bazar, Lashkar, Gwalior, M. P. and which is assigned the approval mark IND/09/07/428.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 250 g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instument of similar make and performance of same series with maximum capacity upto 50kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg to 50 mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (240)/2007]

R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 14 मार्च, 2008

का.आ. 1445.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स जी एस इंटरप्राइजेज, दाल बाजार, लश्कर, ग्वालियर, मध्य प्रदेश द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "जीएसपी" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "रिजेंट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/07/429 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है ।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है । इसकी अधिकतम क्षमता 500 कि. ग्रा. है और न्यूनतम क्षमता 5 कि.ग्रा. है । सत्यापन मापमान अंतराल (ई) 100 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

स्टांपिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंध किया जाएगा तथा मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा । मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, 5×10^{k}, के हैं, जहां पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(240)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1445 —Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Platform type) with digital indication of "GSP" series of high accuracy (Accuracy class-II) and with brand name "REGENT" (herein referred to as the said model), manufactured by M/s. G. S. Enterprises, Dal Bazar Lashkar, Gwalior, MP. and which is assigned the approval mark IND/09/07/429.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500kg and minimum capacity of 5kg. The verification scale interval (e) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of simalr make and performance of same series with maximum capacity range above 50kg and up to 5,000kg and with number of verification scale *interval* (n) in the range of 5,000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or nagative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (240)/2007]

R. MATHURBOOTHA M, Director, Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 11 जून, 2008

का.आ. 1446.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि अनुसूची में दिये गये मानक(कों) में संशोधन किया गया/किये गये हैं :–

अनुसूची

क्रम सं.	संशोधित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1.	आई एस 14796 : 2000 प्रगलन अपचयन प्रक्रियाओं हेतु भरण सामग्री पर दिग्दर्शिका	संशोधन संख्या 1 मई 2008	31 मई 2008

इन संशोधनों की प्रतियाँ भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ : एमटीडी 30/टी-19]

डॉ. (श्रीमती) स्नेह भाटला, वैज्ञानिक एफ एवं प्रमुख (एमटीडी)

BUREAU OF INDIAN STANDARDS

New Delhi, the 11th June, 2008

S.O. 1446.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

S.No.	No. and year of the Indian Standard(s) amendment(s)	No. and year of the amendment	Date from which the amendment shall have effect
1.	IS 14796 : 2000 Guidelines on feedstock for smelting reduction processes	Amendment No. 1 May 2008	31 May 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolcatta, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : MTD 30/T-19]

Dr. (Mrs.) SNEH BHATLA, Scientist 'F' and Head (Met Engg.)

नई दिल्ली, 11 जून, 2008

का.आ. 1447.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि अनुसूची में दिये गये मानक(कों) में संशोधन किया गया/किये गये हैं :–

अनुसूची

क्रम सं.	संशोधित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1.	आई एस 11722 : 1986 पतली भित्ति वाला नम्य शीघ्र युग्मन पाइप	संशोधन संख्या 3 दिसम्बर 2007	10-1-2008

इन संशोधनों की प्रतियाँ भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ : एमटीडी 19/टी-68]

डॉ. (श्रीमती) स्नेह भाटला, वैज्ञानिक एफ एवं प्रमुख (एमटीडी)

New Delhi, the 11th June, 2008

S.O. 1447.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

S.No.	No. and year of the Indian Standard(s) amendment(s)	No. and year of the amendment	Date from which the amendment shall have effect
1.	IS 11722 : 1986 Specification for thin walled flexible quick coupling pipes	Amendment No. 3, December 2007	10 January, 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkatta, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : MTD 19/T-68]

Dr. (Mrs.) SNEH BHATLA, Scientist 'F' and Head (Met Engg.)

नई दिल्ली, 11 जून, 2008

का.आ.1448.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि अनुसूची में दिये गये मानक(कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम सं.	संशोधित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1.	आई एस 4923 : 1997 खोखले इस्पात के खंड संरचनात्मक प्रयोग के लिए—विशिष्टि (दूसरा पुनरीक्षण)	संशोधन संख्या 3, अप्रैल 2008	1 जुलाई, 2008

इन संशोधनों की प्रतियाँ भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ : एमटीडी 19/टी-30]

डॉ. (श्रीमती) स्नेह भाटला, वैज्ञानिक एफ एवं प्रमुख (एमटीडी)

New Delhi, the 11th June, 2008

S.O. 1448.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

S.No.	No. and year of the Indian Standard(s) amendment(s)	No. and year of the amendment	Date from which the amendment shall have effect
1.	IS 4923 : 1997 Hollow steel sections for structural use—Specification (Second Revision)	Amendment No. 3, April 2008	1 July, 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkatta, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : MTD 19/T-30]

Dr. (Mrs.) SNEH BHATLA, Scientist 'F' and Head (Met Engg.)

नई दिल्ली, 11 जून, 2008

का.आ. 1449.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि अनुसूची में दिये गये मानक(कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम सं.	संशोधित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1.	आई एस 2812 : 1993 एल्यूमिनियम एवं एल्यूमिनियम मिश्र धातु की मैन्युअल टंगस्टन अक्रिय–गैस आर्क वेल्डिंग (प्रथम पुनरीक्षण)	संशोधन संख्या 1, जून 2007	30 जून, 2007

इन संशोधनों की प्रतियाँ भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ : एमटीडी 12/टी-25]

डॉ. (श्रीमती) स्नेह भाटला, वैज्ञानिक एफ एवं प्रमुख (एमटीडी)

New Delhi, the 11th June, 2008

S.O. 1449.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

S.No.	No. and year of the Indian Standard(s) amendment(s)	No. and year of the amendment	Date from which the amendment shall have effect
1.	IS 2812 : 1993 Recommendations for manual tungsten inert-gas arc welding of aluminium and aluminium alloys (First revision)	Amendment No. 1, June 2007	30 June, 2007

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkatta, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : MTD 12/T-25]

Dr. (Mrs.) SNEH BHATLA, Scientist 'F' and Head (Met Engg.)

नई दिल्ली, 11 जून, 2008

का.आ. 1450.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि अनुसूची में दिये गये मानक(कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम सं.	संशोधित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1.	आई एस 6419 : 1996 संरचनागत इस्पात की गैस आवरित आर्क वेल्डिंग के लिए वेल्डिंग रॉड एवं नंगी इलेक्ट्रोड–विशिष्टि (प्रथम पुनरीक्षण)	संशोधन संख्या 1, मार्च 2008	31 मार्च, 2008

इन संशोधनों की प्रतियाँ भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ : एमटीडी 11/टी-60]

डॉ. (श्रीमती) स्नेह भाटला, वैज्ञानिक एफ एवं प्रमुख (एमटीडी)

New Delhi, the 11th June, 2008

S.O. 1450.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

S.No.	No. and year of Indian Standard(s) amendment(s)	No. and year of the amendment	Date from which the amendment shall have effect
1.	IS 6419 : 1996 Welding roads and bare electrodes for gas shielded arc welding of structural steels—Specification (First revision)	Amendment No. 1, March 2008	31 March, 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkatta, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : MTD 11/T-60]

Dr. (Mrs.) SNEH BHATLA, Scientist 'F' and Head (Met Engg.)

नई दिल्ली, 11 जून, 2008

का.आ.1451.—भारतीय मानक ब्यूरो (प्रमाणन विनियम) 1988 के नियम (4) के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाईसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाईसेंस धारी का नाम व पता	भारतीय मानक शीर्षक	भा. मा. संख्या	विभाग	स्थिति स्टेटर्स
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	6801266	28-1-2008	मैसर्स इंडो सीमेंट (टाइल्स) प्राडक्टस सर्वे नं. 17, मेडिपल्ली विलेज घटकेसर, रंगारेड्डी जिला (एपी)	फर्श के लिए सीमेंट कंक्रीट की टाइल्स	आईएस 1237:1980	सीइडी	परिचालित
2.	6782591	9-1-2008	मैसर्स सय्यद ज्वेलरी डी. नं. 23/98, गांधी बाजार, ओल्ड टाउन, अनंतपुर-515005	स्वर्ण एवं स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417-99	एमटीडी	परिचालित
3.	6782894	10-1-2008	मैसर्स मेघना इन्स एंड होटल्स प्रा. लि. प्लॉट नं. 2-11, भाग्यनगर एस्टेट्स कूकटपल्ली, हैदराबाद-500 072	स्वर्ण एवं स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417-99	एमटीडी	परिचालित
4.	6783290	11-1-2008	मैसर्स पी. मनोहरलाल ज्वेलर्स एंड एक्सपोर्टर्स 8-2-674/6/1/ए, रोड नं.13, बंजारा हिल्स, हैदराबाद-500 034	स्वर्ण एवं स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417-99	एमटीडी	परिचालित
5.	6783391	11-1-2008	मैसर्स जी.आर. तंगमालिगई ज्वेलर्स प्रा. लि. नं. 118, प्रकाशम रोड चंदमामा टावर्स, एनटीआर सर्किल तिरुपती-517 501 चित्तूर जिला	स्वर्ण एवं स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417-99	एमटीडी	परिचालित
6.	6783492	11-1-2008	मैसर्स गोवाणी ज्वेलर्स डी. नं. 6-9-106, जैन मंदिर रोड, तेनाली-522 201 गुंटूर जिला	स्वर्ण एवं स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417-99	एमटीडी	परिचालित

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
7.	6783593	11-1-2008	मैसर्स श्री कल्पतरु ज्वेलर्स, (इं) प्रा. लि. 7-2-780, लक्ष्मी नारायण कॉम्प्लेक्स पहला मंजिल, पॉट मार्केट, सिकंदराबाद-500 003	स्वर्ण एवं स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417-99	एमटीडी	परिचालित
8.	6783694	11-1-2008	मैसर्स श्री भवानी ज्वेलर्स एंड सिल्वर पेलेस, 32-38/बी, शापूर नगर, जीडिमेट्ला, हैदराबाद-500 055	स्वर्ण एवं स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417-99	एमटीडी	परिचालित
9.	6787908	31-1-2008	मेसर्स कावेरी ज्वेलर्स, डी. नं. 5-37-237, शॉप नं. जी-5, रघु मेंशन, 4/1, बॉडीपेट गुंटूर-522 002	स्वर्ण एवं स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417-99	एमटीडी	परिचालित
10.	6788001	31-1-2008	मैसर्स श्री लक्ष्मी ज्वेलर्स, 5-25-21, शॉप नं. 2 एंड 3, रोहिणी कॉम्प्लेक्स बॉडीपेट, गुंटूर-522 002	स्वर्ण एवं स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417-99	एमटीडी	परिचालित
11.	6788102	31-1-2008	मैसर्स अहमद एंड संस ज्वेलर्स, एस नं. सी-22, मयूर कुशाल कॉम्प्लेक्स गनफौंड्री, आबिद्स हैदराबाद-500 001	स्वर्ण एवं स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417-99	एमटीडी	परिचालित
12.	6788203	31-1-2008	मैसर्स कल्याणी ज्वेलर्स, 5-37-220/ए4/2 बॉडीपेट, गुंटूर-522 002	स्वर्ण एवं स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417-99	एमटीडी	परिचालित
13.	6788304	31-1-2008	मैसर्स महालक्ष्मी ज्वेलर्स, डी. नं. 27-21-2, शॉप नं. 83, स्वर्णलोक कॉम्प्लेक्स, राजगोपालाचारी स्ट्रीट, गवर्नरपेट, विजयवाड़ा-520 002 कृष्णा जिला	स्वर्ण एवं स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417-99	एमटीडी	परिचालित
14.	6787403	25-1-2008	मैसर्स मेरिक्ट्रो प्रोडक्ट्स (प्रा.) लिमिटेड, प्लॉट नं. 200/9, आईडीए फैस II , चेरलपल्ली, हैदराबाद-500 051 आंध्र प्रदेश	विद्युत प्रयोजनों के लिए दाब संवेदी आसंजी टेप भाग 3: अलग-अलग सामग्रियों की अपेक्षाएं, खंड 1: बिना थर्मोसेटिंग आसंजी वाली प्लास्टिक-युक्त पॉली-विनाइल क्लोराइड टेप	आईएस 7809 (भा. 3/से. 1): 1986	इटीडी	परिचालित
15.	6778095	17-1-2008	मैसर्स एमएलपी एन्टरप्राइजेस, प्लाट नं. 29 से 32 एवं 35 से 38 इंडस्ट्रीयल पार्क सनमपूडी बै-पास कार्नर सिंगरायकोन्डा, प्रकाशम जिला (एपी)	पेकेजबंद पेय जल [पैकेजबंद प्राकृतिक मिनरल जल के अलावा]	14543:04	एफएडी	परिचालित
16.	6786704	16-1-2008	मैसर्स लालासा इंडस्ट्रिस, सर्वे नं. 71, इंडस्ट्रियल एस्टेट, कडापा (एपी)	पेकेजबंद पेय जल [पैकेजबंद प्राकृतिक मिनरल जल के अलावा]	14543:04	एफएडी	परिचालित
17.	6786906	22-1-2008	एस एस इंडस्ट्रिस, सर्वे 317/1, कृष्णापुरम विलेज, प्रि के डिनी [मन्डल] कडपा (एपी)	पेकेजबंद पेय जल [पैकेजबंद प्राकृतिक मिनरल जल के अलावा]	14543:04	एफएडी	परिचालित

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
7.	6783593	Shree Kalpataru Jewels (I) Pvt. Ltd. 7-2-780, Laxmi Narayan Complex, 1st Floor, Pot Market, Adilabad, Secunderabad, Andhra Pradesh-500003	11-1-2008	IS 1417 : 1999 Gold and gold alloys, jewellery/ artefacts-fineness and marking	15-1-2011	MTD	Operative	
8.	6783694	Sri Bhavani Jewellers & Silver Palace 32-38/B, Shapurnagar Jeedimetla, Hyderabad, Andhra Pradesh-500055	11-1-2008	IS 1417 : 1999 Gold and gold alloys, jewellery/ artefacts-fineness and marking	15-1-2011	MTD	Operative	
9.	6787908	Kaveri Jewellers D. No. Shop No. G-5, Raghu Mansions, 4/1, Brodipet Guntur, Andhra Pradesh-522002	31-1-2008	IS 1417 : 1999 Gold and gold alloys, jewellery/ artefacts-fineness and marking	3-2-2011	MTD	Operative	
10.	6788001	Sri Lakshmi Jewellers 5-25-21, Shop No. 2 & 3 Rohini Complex, 3/1, Brodipet Guntur, Andhra Pradesh-522002	31-1-2008	IS 1417 : 1999 Gold and gold alloys, jewellery/ artefacts-fineness and marking	3-2-2011	MTD	Operative	
11.	6788102	Ahmed and Sons Jewellers S.No. C-22, Mayur Kushal Complex, Gunfoundry, Abids, Hyderabad, Andhra Pradesh-500001	31-1-2008	IS 1417 : 1999 Gold and gold alloys, jewellery/ artefacts-fineness and marking	3-2-2011	MTD	Operative	
12.	6788203	Kalyani Jewellers 5-37-220/A4/2, Brodipet Guntur, Andhra Pradesh-522002	31-1-2008	IS 1417 : 1999 Gold and gold alloys, jewellery/ artefacts-fineness and marking	3-2-2011	MTD	Operative	
13.	6788304	Mahalaxmi Jewellers D. No. 27-21-2, Shop No. 83, Swarnalok Complex, Rajagopalachari Street, Governorpet Krishna, Vijayawada Andhra Pradesh-520002	31-1-2008	IS 1417 : 1999 Gold and gold alloys, jewellery/ artefacts-fineness and marking	3-2-2011	MTD	Operative	
14.	6787403	M/s. Merrictro Products (P) Ltd. Plot No. 200/9, IDA Phase II, Cherlapally, Hyderabad, Andhra Pradesh-500051	25-1-2008	IS 7809 : Part 3 : Sec. 1, 1986 Pressure sensitive adhesive insulating tapes for electrical purposes, Part 3 : requirements for	31-1-2009	ETD	Operative	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
				individual materials, Section 1 : plasticized Polyvinylchloride tapes with non-thermosetting adhesive				
15.	6778095	MLP Enterprises Plot No. 29 to 32 and 35 to 3, Industrial Park, Sanampudi Bypass Corner Singarayakonda, Prakasam District, Prakasam, Singarayakonda Andhra Pradesh	17-1-2008	IS 14543 : 2004 Packaged drinking water (other than packaged natural mineral water)	16-1-2009	FAD	Operative	
16.	6786704	Laalasa Industries Sy. No. 71, Industrial Estate, Guddapah, Andhra Pradesh	16-1-2008	IS 14543 : 2004 Packaged drinking water (other than packaged natural mineral water)	28-1-2009	FAD	Operative	
17.	6786906	Sri Venkata Sai Aqua Industries Khajipet Village and Mandal, Cuddapah Andhra Pradesh	22-1-2008	IS 14543 : 2004 Packaged drinking water (other than packaged natural mineral water)	29-1-2009	FAD	Operative	
18.	6790489	Metro Food Products 19-4-8/198, Chandrayanagutta, Rangareddi, Andhra Pradesh	30-1-2008	IS 14543 : 2004 Packaged drinking water (other than packaged natural mineral water)	7-2-2009	FAD	Operative	
19.	6787504	Satya Labs Sy. No. 16, Babbuguda Village Balanagar Mandal, Rangareddi, Andhra Pradesh	22-1-2008	IS 14543 : 2004 Packaged drinking water (other than packaged natural mineral water)	31-1-2009	FAD	Operative	
20.	6787605	Warsha Water Works Sy. No. 218/1, H.No. 36-137/3, Defence Colony, Malkajgiri Mandal, Rangareddi, Andhra Pradesh-500094	23-1-2008	IS 14543 : 2004 Packaged drinking water (other than packaged natural mineral water)	31-1-2009	FAD	Operative	
21.	6782692	Padmaja Bottlings Plot No. 37, APIIC Ltd., Industrial Estate, Maddurupadu Village, Kavali-524201 Nellore District, Nellore Kavali, Andhra Pradesh-524201	1-1-2008	IS 14543 : 2004 Packaged drinking water (other than packaged natural mineral water)	9-1-2009	FAD	Operative	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
22.	6779101	Sri Sai Krupa Water Works, Srinivasapuram, Kothapet Village Vetapalem Mandal, Prakasham District, Prakasam,. Kothapet, Andhra Pradesh	1-1-2008	IS 14543 : 2004 Packaged drinking water (other than packaged natural mineral water)	31-12-2008	FAD	Operative	
23.	6785803	ZED AQUA 12-1-925/27/1, Old Mallepally (Feelkhana), Hydrabad Andhra Pradesh	7-1-2008	IS 14543 : 2004 Packaged drinking water (other than packaged natural mineral water)	22-1-2009	FAD	Operative	
24.	6785904	Madhavi Beverages Plot No. 366, H. No. 3-25, Prashanth Hills, Meerpet Saroornagar Mandal, Rangareddi, Andhra Pradesh	16-1-2008	IS 14543 : 2004 Packaged drinking water (other than packaged natural mineral water)	23-1-2009	FAD	Operative	
25.	6786502	Shakthi Aqua Products Thanjamma Kottalu Village, Palamaner Road, Kuppam-517425 Chittoor District, Chittor Kuppam, Andhra Pradesh-517425	22-1-2008	IS 14543 : 2004 Packaged drinking water (other than packaged natural mineral water)	28-1-2009	FAD	Cancelled	
26.	6786603	ECE Industries Limited (Unit-2) Meter Division, 8-4-300/2A, Ashok Marg, Santhnagar, Hyderabad Andhra Pradesh-500018	22-1-2008	IS 14697 : 1999 Acstatic transformer operated watthour and var-hour meters, class 0.2s and 0.5s	28-1-2009	ETD	Operative	
27.	6791087	MRF Limited P.B. No. 2, Sadasivapet Medak Andhra Pradesh-502291	23-1-2008	IS 15627 : 2005 Automotive vehicles pneumatic tyres for two and three-wheeled motor vehicles	11-2-2009	TED	Operative	
28.	6791188	MRF Limited P.B. No. 2, Sadasivapet Medak Andhra Pradesh-502291	23-1-2008	IS 15636 : 2005 Automotive vehicles pneumatic tyres for commercial vehicles diagonal and radial ply	11-2-2009	TED	Operative	

[No. CMD/13 : 11]

A. K. TALWAR, Dy. Director-General (Marks)

नई दिल्ली, 11 जून, 2008

का.आ.1452.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम (5) के उप नियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द (Cancelled) कर दिया गया है :—

अनुसूची

क्रम सं.	लाइसेंस नं.	लाइसेंसधारी का नाम व पता	लाइसेंस के अन्तर्गत वस्तु/प्रक्रम से संबंधित भारतीय मानक का शीर्षक व संबंधित भा.मा.	रद्द करने की तिथि
	1 मार्च, 2008			
1.	8478501	मैसर्स फ्रैण्ड्स प्लाईवुड प्रा. लि., ई-112, 113, रीको औद्योगिक क्षेत्र, एन. एच. 11, आगरा रोड, बस्सी-303 301 जिला जयपुर (राजस्थान)	1659 : 2004 ब्लॉक बोर्ड	7-3-2008
2.	8483086	मैसर्स फ्रैण्ड्स प्लाईवुड प्रा. लि., ई-112, 113, रीको औद्योगिक क्षेत्र, एन. एच. 11, आगरा रोड, बस्सी-303 301 जिला-जयपुर (राजस्थान)	2202 (भाग 1) : 1999 वुडन फ्लश डोर शट्र्स	7-3-2008

[सं. सीएमडी/13:13]

ए. के. तलवार, उप महानिदेशक (मुहर)

New Delhi, the 11th June, 2008

S.O. 1452.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies that the Licence(s) particulars of which is/are given below has/have been Cancelled with effect from the date indicated :—

SCHEDULE

Sl. No.	Licence No. (CM/L-)	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
	March, 2008			
1.	8478501	M/s. Friends Plywood Private Limited, E-112, 113, RIICO Indl. Area, NH-11, Agra Road, Bassi-303 301 Distt. Jaipur (Rajasthan)	IS 1659 : 2004 Block Boards	7-3-2008
2.	8483086	M/s. Friends Plywood Private Limited, E-112, 113, RIICO Indl. Area, NH-11, Agra Road, Bassi-303 301 Distt. Jaipur (Rajasthan)	IS 2202 (Pt. 1) : 1999 Wooden Flush Door Shutters	7-3-2008

[No. CMD/13:13]

A. K. TALWAR, Dy. Director-General (Marks)

नई दिल्ली, 11 जून, 2008

का.आ.1453.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 6 के उपविनियम (3) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा नीचे अनुसूची में दिए गए उत्पादों की मुहरांकन शुल्क अधिसूचित करता है :—

अनुसूची

भारतीय मानक सं.	भाग	अनु.	वर्ष	शीर्षक	इकाई	न्यूनतम मूल्यांकन शुल्क बड़े पैमाने पर	छोटे पैमाने पर	इकाई दर स्लैब 1	स्लैब 1 में इकाइयां	इकाई दर स्लैब 2	स्लैब 2 में इकाइयां	इकाई दर शेष	प्रभावन तिथि
14166	0	0	1994	श्वसन रक्षी युक्तियां पूरे चेहरे को ढकने वाले, मुखौटे	100 सं.	109,000	92,700	45.00	सभी	–	–	–	30-4-2008
14746	0	0	1999	श्वसन रक्षी युक्तियां आधे चेहरे को ढकने वाले मुखौटे तथा केवल नाक और मुंह को ढकने वाले मुखौटे	100 सं.	78,600	66,900	8.00	सभी	–	–	–	30-4-2008

[सं. केप्रवि/13:10]

ए. के. तलवार, उप महानिदेशक (मुहर)

New Delhi, the 11th June, 2008

S.O. 1453.—In pursuance of sub-regulation (3) of the regulation 6 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies the Marking fee for the products given in the schedule :—

SCHEDULE

IS No.	Part	Sec.	Year	Product	Units	Minimum Marking Fee Large Scale	Small Scale	Unit Rate Slab 1	Units in Slab 1	Unit Rate Slab 2	Units in Slab 2	Remarking	Effective Date
14166	0	0	1994	Respiratory Protective Devices Full Face Masks	100 Nos.	109,000	92,700	45.00	All	—	—	—	30-4-2008
14746	0	0	1999	Respiratory Protective Devices— Half Marks and Quarter Masks	100 Nos.	78,600	66,900	8.00	All	—	—	—	30-4-2008

[No. CMD/13:10]

A. K. TALWAR, Dy. Director-General (Marks)

नई दिल्ली, 13 जून, 2008

का.आ. 1454.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि अनुसूची में दिये गये मानक(कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम सं.	संशोधित भारतीय मानक(कों) की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1.	एस पी 6(7) : 1972 संरचनागत इंजीनियर्स के लिए आई एस आई हैंडबुक 7. सामान्य वेल्डित गार्डर	संशोधन संख्या 1 अप्रैल 2008	30 अप्रैल 2008

इन संशोधनों की प्रतियाँ भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ : एमटीडी 11/टी-3]

डॉ. (श्रीमती) स्नेह भाटला, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 13th June, 2008

S.O.1454.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. and year of Indian Standard(s) amendment(s)	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	SP 6(7) : 1972 ISI Handbook for structural engineers 7. Simple welded girders	Amendment No. 1 April, 2008	30 April, 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : MTD 11/T-3]

Dr. (Mrs.) SNEH BHATLA, Scientist 'F' and Head (Met Engg.)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 12 जून, 2008

का.आ.1455.—भारत सरकार ने पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1058 तारीख 9 अप्रैल, 2007 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा गुजरात राज्य से टेप ऑफ पॉइंट गवासद से मैसर्स सौराष्ट्र सोलिड इन्डस्ट्रीज प्राइवेट लिमिटेड तक प्राकृतिक गैस के परिवहन के लिए पाइपलाईन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और, उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 14/05/2007 को उपलब्ध करा दी गई थी;

और, सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है;

और, पाइपलाइन बिछाने के संबंध में जनता से कोई आक्षेप प्राप्त नहीं हुए;

और, भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइनें बिछाने के लिए अपेक्षित है, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है.

अतः, अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइनें बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्देश देती है कि पाइपलाइनें बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, भारत सरकार में निहित होने के बजाए, पाइपलाइनें बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा ।

अनुसूची

जिला	तालुका	गांव	सर्वे सं.	क्षेत्रफल (हेक्टर में)
वडोदरा	पादरा	गवासद	132/अ	0.0585
			130	0.0200
			कार ट्रेक	0.0285
			सौराष्ट्र सोलिड	0.0071
			कुल	**0.1181**

[फा. सं. एल-14014/50/'06-जी.पी.]

के. के. शर्मा, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 12th June, 2008

S.O. 1455.—Whereas, by notification of Government of India in Ministry of Petroleum and Natural Gas number S.O. 1058 dated 9th April, 2007 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Government of India declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of natural gas through tap-off point Gavasad to M/s Saurashtra Solid Industries Pvt. Limited, in the State of Gujarat by GAIL (India) Limited;

And, whereas copies of the said Gazette notification were made available to the public on 14-5-2007;

And, whereas the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted its report to Government of India;

And, whereas no objection were received from the public to the laying of the pipeline;

And, whereas Government of India has, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, Government of India hereby declares that the Right of User in the land specified in the Schedule is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in Government of India, vest, on this date of the publication of the declaration, in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

District	Taluka	Village	Survey No.	Area to be acuired (in Hect.)
Vadodara	Padra	Gavasad	132/A	0.0585
			130	0.0200
			Car Trak	0.0285
			Saurashtra Solid	0.0071
			Total	**0.1181**

[F. No. L-14014/50/'06-G.P.]

K. K. SHARMA, Under Secy.

नई दिल्ली, 16 जून, 2008

का.आ.1456.—तेल उद्योग (विकास) अधिनियम 1974 (1974 का 47) की धारा (3) की उप-धारा (3) के खण्ड (ग) द्वारा प्रदत्त की गई शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा श्रीमती रीता मेनन, अपर सचिव, व्यय विभाग, वित्त मंत्रालय को दिनांक 12-6-2008 से 11-6-2010 तक दो साल की अवधि के लिए या अगला आदेश जारी होने तक, जो भी पहले हो, तेल उद्योग विकास बोर्ड का सदस्य नियुक्त करती है।

[सं. जी.-35012/2/91-वित्त-II]

एस. सी. दास, अवर सचिव

New Delhi, the 16th June, 2008

S.O. 1456.—In exercise of the powers conferred by Clause (c) of sub-section (3) of Section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints Smt. Rita Menon, Addl. Secretary, Department of Expenditure, Ministry of Finance, as a Member of the Oil Industry Development Board for a period of two years with effect from 12-6-2008 to 11-6-2010 or untill further orders, whichever is earlier

[No. G-35012/2/91-Fin.II]

S. C. DAS, Under Secy.

नई दिल्ली, 11 जून, 2008

का. आ. 1457.—केन्द्रीय सरकार को यह प्रतीत होता है की लोकहित में यह आवश्यक है कि चैन्नै पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली की रिफैनेरी से देवनगुद्दि टार्मिनल, बैंगलुर तक पेट्रोलियम उत्पादनों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा "चेन्नै- बैंगलुर पाइपलाइन" बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में उक्त पाइपलाइन बिछाए जाने का प्रस्ताब है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अत: अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से, जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधिन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उस भूमि के नीचे पाइपलाइन बिछाने के संबध में श्री, ऐल. वेंकटा सुब्बय्या , सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड,चेन्नै-बैंगलुर पाइपलाइन परियोजना, अपार्टमेंट सं 104, वटसला टार्वस, नाएडु बिलडिंगस, चित्तूर – 517 001, आन्ध्रप्रदेश को लिखित रुप में आक्षेप भेज सकेगा ।

अनुसूची

मंडल : चित्तूर	जिला : चित्तूर				राज्य : आन्ध्रप्रदेश
गाँव का नाम	सर्वेक्षण सं-खण्ड सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मिटर
1	2	3	4	5	6
वेंडु, नारिगापल्लि	145	2B	00	01	21

[फा. सं. आर-25011/5/2007-ओ.आर-I]
अ. गोस्वामी, अवर सचिव

New Delhi, the 11th June, 2008

S. O. 1457.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanguthi Terminal, Bangalore, a pipeline should be laid by the Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (I) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the Right of User therein, or laying of the pipeline under the land to Sri L. Venkata Subbaiah, Competent Authority, Indian Oil Corporation Limited, Chennai-Bangalore Pipeline Project, Apartment No. 104, Vatsala Towers, Naidu Buildings, Chittoor – 517 001, Andhra Pradesh

SCHEDULE

Mandal : Chittoor	District : Chittoor		State : Andhra Pradesh		
Name of the Village	Survey No.	Sub-Division No.	Area		
			Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
60, Narigapalli	145	2B	00	01	21

[No. R-25011/5/2007-O.R.-I]
A. GOSWAMI, Under Secy.

नई दिल्ली, 11 जून, 2008

का. आ. 1458.— केन्द्रीय सरकार को यह प्रतीत होता है की लोकहित में यह आवश्यक है कि चेन्नै पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली की रिफैनेरी से देवनगुंडि टार्मिनल, बैंगलुर तक पेट्रोलियम उत्पादनों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा "चेन्नै- बैंगलुर पाइपलाइन" बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से, जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधिन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्किस दिन के भीतर उस भूमि के नीचे पाइपलाइन बिछाने के संबध में श्री, ऐल. वेंकटा सुब्बय्या , सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड,चेन्नै बैंगलुर पाइपलाइन परियोजना, अर्पाटमेंट सं 104, वटसला टार्वस, नाएडु बिलडिंगस, चित्तूर – 517 001, आन्ध्रप्रदेश को लिखित रुप में आक्षेप भेज सकेगा ।

अनुसूची

मंडल : बादमारि	जिला : चित्तूर				राज्य : आन्ध्रप्रदेश
गाँव का नाम	सर्वेक्षण सं-खण्ड सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मिटर
1	2	3	4	5	6
63, माधवरम	84	4D	00	03	24
	84	4G	00	01	21
	48	1	00	01	21
	62	6E	00	14	57

[फा. सं. आर-25011/5/2007-ओ.आर-I]

अ. गोस्वामी, अवर सचिव

New Delhi, the 11th June, 2008

S. O. 1458.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanguthi Terminal, Bangalore, a pipeline should be laid by the Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (I) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the Right of User therein, or laying of the pipeline under the land to Sri L. Venkata Subbaiah, Competent Authority, Indian Oil Corporation Limited, Chennai-Bangalore Pipeline Project, Apartment No. 104, Vatsala Towers, Naidu Buildings, Chittoor – 517 001, Andhra Pradesh.

SCHEDULE

Mandal : Yadamari	District : Chittoor		State : Andhra Pradesh		
Name of the Village	Survey No.	Sub-Division No.	Area		
			Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
63, Madhavaram	84	4D	00	03	24
	84	4G	00	01	21
	48	1	00	01	21
	62	6E	00	14	57

[No. R-25011/5/2007-O.R.-I]
A. GOSWAMI, Under Secy.

नई दिल्ली, 11 जून, 2008

का. आ. 1459.—केन्द्रीय सरकार को यह प्रतीत होता है की लोकहित में यह आवश्यक है कि चेन्नै पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली की रिफैनेरी से देवनगुड्डि टार्मिनल, बैंगलुर तक पेट्रोलियम उत्पादनों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा "चेन्नै- बैंगलुर पाइपलाइन" बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अत: अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से, जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधिन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्किस दिन के भीतर उस भूमि के नीचे पाइपलाइन बिछाने के संबध में श्री, ऐल. वेंकटा सुब्बय्या , सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड,चेन्नै बैंगलुर पाइपलाइन परियोजना, अपार्टमेंट सं 104, वटसला टार्वस, नाएडु बिलडिंगस, चित्तूर -- 517 001, आन्ध्रप्रदेश को लिखित रुप में आक्षेप भेज सकेगा ।

अनुसूची

मंडल : गंगाधरनेल्लोर	जिला : चित्तूर				राज्य : आन्ध्रप्रदेश
गाँव का नाम	सर्वेक्षण सं-खण्ड सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मिटर
1	2	3	4	5	6
52, थुगुंद्रम	321	1	00	34	41
	321	2	00	14	57
	278	2	00	04	86
	279	20	00	08	10
	279	19	00	03	24

[फा. सं. आर-25011/5/2007-ओ.आर-I]

अ. गोस्वामी, अवर सचिव

New Delhi, the 11th June, 2008

S. O. 1459.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanguthi Terminal, Bangalore, a pipeline should be laid by the Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (I) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the Right of User therein, or laying of the pipeline under the land to Sri L. Venkata Subbaiah, Competent Authority, Indian Oil Corporation Limited, Chennai-Bangalore Pipeline Project, Apartment No. 104, Vatsala Towers, Naidu Buildings, Chittoor – 517 001, Andhra Pradesh.

SCHEDULE

Mandal :Gangadhara Nellore	District : Chittoor		State : Andhra Pradesh		
Name of the Village	Survey No.	Sub-Division No.	Area		
			Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
52, Thugundram	321	1	00	34	41
	321	2	00	14	57
	278	2	00	04	86
	279	20	00	08	10
	279	19	00	03	24

[No. R-25011/5/2007-O.R.-I]

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 29 मई, 2008

का. आ. 1460.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इन्स्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 158/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/255/98-आई आर (डी यू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 29th May, 2008

S.O. 1460.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 158/99) of Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/255/98-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR. KANPUR

Industrial Dispute No. 158 of 1999

In the matter of dispute between :

Shri Rajesh Kumar,
C/o Sh. Rajendra Prasad Shukla,
115/193 A.2 Maswanpur Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road Kalyanpur,
Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide notification No. L-42012/255/98 IR (DU) dated 3-5-1999 has referred the following dispute for adjudication to this tribunal :

> "Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Sri Rajesh Kumar is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. Nil in gross violation of provisions of Industrial Disputes Act 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exists any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity what soever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On

the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1461.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इन्स्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 10/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/228/99-आई आर (डी यू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1461.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 10/2000) of Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/228/99-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 10 of 2000

In the matter of dispute between :

Shri Ram Lakhan,
C/o Sh. Rajendra Prasad Shukla,
115/193 A.2 Maswanpur Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur.

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/228/99-IR (DU) dated 27-1-2000 has referred the following dispute for adjudication to this tribunal :

"Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Sri Ram Lakhan w.e.f. 26-6-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-6-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his re-employment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supevise the work of the workman. It is also denied that there exists any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the allged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between

the contesting parties. In the absence of any cogent *evidence* in *support* of the claim of the *workman*, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been *terminated* by the opposite party. *Therefore*, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1462.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इंस्टिच्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 11/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/229/99-आई आर (डी.यू.)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1462.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 11/2000) of Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/229/99-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT SHRAM BHAWAN A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 11 of 2000

In the matter of dispute *between* :

Shri Rajendra Kumar,
C/o Sh. Rajendra Prasad Shukla,
115/193 A.2 Maswanpur Rawatpur,
Kanpur.

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road Kalyanpur,
Kanpur.

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/229/99-IR (DU) dated 27-1-2000 has referred the following dispute for adjudication to this tribunal :

> "Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Sri Rajendra Kumar w.e.f. 26-6-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the *opposite* party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-6-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his re-employment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service.

On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exists any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so-called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is, therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1463.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इन्सटिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 21/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/241/99-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1463.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 21/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/241/99-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 21 of 2000

In the matter of dispute between :

Shri Chandra Kumar,
C/o Sri Rajendra Prasad Shukla
115/193 A.2 Maswanpur Rawatpur,
Kanpur,

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/241/99 IR (DU) dated 27-1-2000 has referred the following dispute for adjudication to this tribunal :

> "Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Sri Chandra Kumar w.e.f. 26-8-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the management. The production of the opposite party was also used to be sold out the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exists any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain

representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1464.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इन्स्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 14/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/243/99-आई आर (डीयू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1464.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 14/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/243/99-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 14 of 2000

In the matter of dispute between :

Shri Alok Misra,
C/o Sri Rajendra Prasad Shukla,
115/193 A.2 Maswanpur Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur.

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/243/99-IR (DU) dated 27-1-2000 has referred the following dispute for adjudication to this tribunal for :

"Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Sri Alok Misra w.e.f. 26-8-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of

permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his re-employment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exists any valid industrial *dispute*. *Workman* is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of *Industrial* Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the *Ministry* seeking *transfer* of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party of that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1465.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इन्स्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 12/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/230/99-आई आर (डी यू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1465—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 12/2000) of Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/230/99-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 12 of 2000

In the matter of dispute between :

Smt. Prema,
C/o Sri Rajendra Prasad Shukla
115/193 A.2 Maswanpur Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/230/99-IR (DU) dated 27-1-2000 has referred the following dispute for adjudication to this tribunal :

> "Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Smt. Prema w.e.f. 26-6-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-6-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his re-employment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring

recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1466.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इन्स्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 23/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/232/99-आई आर (डी यू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1466.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 23/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workmen, which was received by the Central Government on 29-5-2008.

[No. L-42012/232/99-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 23 of 2000

In the matter of dispute between :

Smt Rani,
C/o Sri Rajendra Prasad Shukla
115/193 A.2 Maswanpur, Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide notification No. L-42012/232/99-IR (DU) dated 27-1-2000 has referred the following dispute for adjudication to this tribunal :

"Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Smt. Rani w.e.f. 26-6-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-6-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exists any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman

that he was in the *employment* of the *opposite* party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so-called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1467.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इन्सटिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 7/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/238/99-आई आर (डीयू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1467.—In pursuance of Section 17 of the *Industrial Disputes* Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 7/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the *management* of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/238/99-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 7 of 2000

In the matter of dispute between :

Shri Dadan Prasad,
C/o Sri Rajendra Prasad Shukla
115/193 A.2 Maswanpur, Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide notification No. L-42012/238/99-IR (DU) dated 27-1-2000 has referred the following dispute for adjudication to this tribunal :

> "Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Sri Dadan Prasad working as Contract worker allegedly under direct supevision of the management w.e.f. is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also by pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman, that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh

hands were inducted by the opposite party but he was not afforded any opportunity of his re-employment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exists any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, basciess and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1468.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इंस्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 13/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/237/99-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1468.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 13/2000) of Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/237/99-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R G SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 13 of 2000

In the matter of dispute between :

Shri Anil Kumar,
C/o Sri Rajendra Prasad Shukla,
115/193 A.2 Maswanpur Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur.

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/237/99-IR (DU) dated 27-1-2000 has referred the following dispute for adjudication to this tribunal :

> "Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Sri Anil Kumar w.e.f. 26-8-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act., 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exists any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the

case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1469.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इंस्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 8/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/239/99-आई आर (डी.यू.)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1469.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 8/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/239/99-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 8 of 2000

In the matter of dispute between :

Shri Kaushal,
C/o Sri Rajendra Prasad Shukla
115/193 A.2 Maswanpur Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur.

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/239/99 IR (DU) dated 27-1-2000 has referred the following dispute for adjudication to this tribunal :

> "Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Shri Kaushal, w.e.f. 26-8-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman

with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exists any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment deboring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1470.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इन्सटिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 74/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/77/2000-आई आर (डी.यू.)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1470.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 74/2000) of Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/77/2000-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 74 of 2000

In the matter of dispute between :

Shri Inder Pal,
C/o Sri Rajendra Prasad Shukla
115/193 A.2 Maswanpur, Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road Kalyanpur,
Kanpur.

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/77/2000-IR (DU) dated 31-7-2000 has referred the following dispute for adjudication to this tribunal :

"Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Sri Inder Pal, w.e.f. 26-8-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his re-employment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exists any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out

representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1471.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इन्स्टीट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 79/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/78/2000-आई आर (डी.यू.)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1471.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 79/2000) of the Central Government Industrial Tribunal-cum-Labour Court Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/78/99-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 79 of 2000

In the matter of dispute between :

Shri Ram Behari,
C/o Sri Rajendra Prasad Shukla
115/193 A.2 Maswanpur, Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur.

AWARD

1. Central Government, MOL, New Delhi, vide notification No. L-42012/78/2000-IR (DU) dated 31-7-2000 has referred the following dispute for adjudication to this tribunal :

"Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Sri Dadan Prasad w.e.f. 26-8-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party

on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements.

The production of the opposition of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exists any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1472.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इंस्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 75/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/79/2000-आई आर (डीयू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1472.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 75/2000) of Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/79/2000-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 75 of 2000

In the matter of dispute between :

Shri Sarvesh Kumar,
C/o Sh. Rajendra Prasad Shukla,
115/193 A.2 Maswanpur, Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide notification No. L-42012/79/2000 IR (DU) dated 31-7-2000 has referred the following dispute for adjudication to this tribunal :

"Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur in terminating the employment of Sri Sarvesh Kumar w.e.f. 26-8-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-1998 in gross violation of provisions of Industrial Disputes Act 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be *reinstated* in the *service* with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exists any valid *industrial* dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. *Moreover*, provisions of *Industrial* Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occassion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1473.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इंस्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 78/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/80/2000-आई आर (डीयू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1473.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 78/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/80/2000-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 78 of 2000

In the matter of dispute between :

Shri Mahesh,
C/o Sh. Rajendra Prasad Shukla,
115/193 A.2 Maswanpur, Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/80/2000 IR (DU) dated 31-7-2000 has referred the following dispute for adjudication to this tribunal :

> "Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Sri Mahesh w.e.f. 26-8-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his re-employment. Opposite party has also violated the provisions of rules of natural and social justice by not regularing him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exists any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so-called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the

alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का.आ. 1474.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इंस्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 77/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/81/2000-आई आर (डीयू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1474.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 77/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workmen, which was received by the Central Government on 29-5-2008.

[No. L-42012/81/2000-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 77 of 2000

In the matter of dispute between :

Smt. Munni,
C/o Sh. Rajendra Prasad Shukla,
115/193 A.2 Maswanpur Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide notification No. L-42012/81/2000 IR (DU) dated 31-7-2000 has referred the following dispute for adjudication to this tribunal :

"Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Smt Munni w.e.f. 26-6-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-6-1998 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was

ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exists any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the *workman* be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial *dispute* as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party of that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. *SHUKLA*, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1475.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इंस्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम-न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 76/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/82/2000-आई आर (डी.यू.)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1475.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 76/2000) of Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and

their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/82/2000-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 76 of 2000

In the matter of dispute between :

Smt. Jamuna Devi,
C/o Sh Rajendra Prasad Shukla,
115/193 A.2 Maswanpur, Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/82/2000-IR (DU) dated 31-7-2000 has referred the following dispute for adjudication to this tribunal :

> "Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Smt. Jamuna Devi w.e.f. 26-8-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the apposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exists any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative

for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1476.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इंस्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 72/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/83/2000-आई आर (डी.यू.)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1476.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 72/2000) of Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/83/2000-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 72 of 2000

In the matter of dispute between :

Smt. Tarawati,
C/o Sh. Rajendra Prasad Shukla,
115/193 A.2 Maswanpur Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide notification No. L-42012/83/2000-IR (DU) dated 31-7-2000 has referred the following dispute for adjudication to this tribunal :

"Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur in terminating the employment of Smt. Tarawati w.e.f. 26-6-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at

the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor, Workman is employee of the party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the apposite party w.e.f. 26-6-98 in gross violation of provisions of Industrial Disputes Act. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his re-employment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exists any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules.and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1477.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इंस्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 82/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/84/2000-आई आर (डी.यू.)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1477.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 82/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/84/2000-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 82 of 2000

In the matter of dispute between :

Shri Rajendra Pd. Misra,
C/o Sri Rajendra Prasad Shukla
115/193 A.2 Maswanpur, Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/84/2000-IR (DU) dated 31-7-2000 has referred the following dispute for adjudication to this tribunal :

> "Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Srj Rajendra Pd. Misra w.e.f. 26-6-98 is legal and justified ? If not, to what relief the worker are entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the management. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-6-98 in gross violation of provisions of Industrial Disputes Act., 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exists any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment deboring

recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1478.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इंस्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 81/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/86/2000-आई आर (डी.यू.)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1478.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 81/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/86/2000-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 81 of 2000

In the matter of dispute between :

Shri Jairam Kushowaha,
C/o Sri Rajendra Prasad Shukla,
115/193 A.2 Maswanpur, Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/86/2000-IR (DU) dated 31-7-2000 has referred the following dispute for adjudication to this tribunal :

"Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Sri Jairam Kushowaha w.e.f. 26-8-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his re-employment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exists any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman

that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1479.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इंस्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 73/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/87/2000-आई आर (डी यू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1479.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 73/2000) of Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/87/2000-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 73 of 2000

In the matter of dispute between :

Shri Santosh,
C/o Sri Rajendra Prasad Shukla
115/193 A.2 Maswanpur Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/87/2000-IR (DU) dated 31-7-2000 has referred the following dispute for adjudication to this tribunal :

> "Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Shri Santosh w.e.f. 26-8-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh

hands were inducted by the opposite party but he was not afforded any opportunity of his re-employment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so-called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues becomes infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties; alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1480.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इंस्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ

संख्या 99/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/111/2000-आई आर (डी यू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1480.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 99/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workmen, which was received by the Central Government on 29-5-2008.

[No. L-42012/111/2000-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 99 of 2000

In the matter of dispute between :

Shri Kailash Kumar,
C/o Sri Rajendra Prasad Shukla,
115/193 A.2 Maswanpur Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide notification No. L-42012/111/2000-IR (DU) dated 29-8-2000 has referred the following dispute for adjudication to this tribunal :

"Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Shri Kailash Kumar w.e.f. 26-8-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded by that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his re-employment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and

avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so-called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is, therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1481.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इंस्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 100/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/112/2000-आई आर (डीयू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1481.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 100/2000) of Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/112/2000-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 100 of 2000

In the matter of dispute between :

Smt. Sajjoo,
S/o Sri Rajendra Prasad Shukla
115/193 A.2 Maswanpur, Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide notification No. L-42012/112/2000-IR (DU) dated

29-8-2000 has referred the following dispute for adjudication to this tribunal :

"Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Smt. Sajjoo w.e.f. 26-8-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there,exists any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment deboring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so called workman. therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. *SHUKLA, Presiding Officer*

नई दिल्ली, 29 मई, 2008

का. आ. 1482.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इन्स्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और इनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 101/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/113/2000-आई आर (डी.यू.)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1482.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 101/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/113/2000-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 101 of 2000

In the matter of dispute between :

Smt. Malti,
C/o Sri Rajendra Prasad Shukla
115/193 A.2 Maswanpur, Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur.

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/113/2000-IR (DU) dated 29-8-2000 has referred the following dispute for adjudication to this tribunal :

> "Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Smt. Malti, w.e.f. 26-8-98 is legal and justified ? If not, to what relief the worker are entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exists any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any

capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1483.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इन्सटिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 104/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/116/2000-आई आर (डी.यू.)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1483.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 104/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/116/2000-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 104 of 2000

In the matter of dispute between :

Shri Ram Das,
C/o Sri Rajendra Prasad Shukla,
115/193 A.2 Maswanpur, Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/116/2000 IR (DU) dated 29-8-2000 has referred the following dispute for adjudication to this tribunal :

"Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Sri Ram Das w.e.f. 26-8-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his re-employment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any *relationship* of employer and *employee* between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exists any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring *recruitment* rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought *adjournments* and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having *considered long duration of the pendency of the instant* case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through

the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so-called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1484.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इंस्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 105/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/117/2000-आई आर (डी यू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1484.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 105/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/117/2000-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 105 of 2000

In the matter of dispute between :

Shri Deepu,
C/o Sri Rajendra Prasad Shukla
115/193 A.2 Maswanpur Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/117/2000 IR (DU) dated 29-8-2000 has referred the following dispute for adjudication to this tribunal :

> "Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Shri Deepu, w.e.f. 26-8-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out to the customers. It has also been

pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his re-employment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment deboring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues becomes infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1485.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इन्स्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ

संख्या 106/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/118/2000-आई आर (डीयू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1485.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 106/2000) of Central Government Industrial Tribunal-cum-Labour Court Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/118/2000-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 106 of 2000

In the matter of dispute between :

Smt. Shiv Devi,
C/o Sri Rajendra Prasad Shukla
115/193 A.2 Maswanpur, Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/118/2000-IR (DU) dated 29-8-2000 has referred the following dispute for adjudication to this tribunal :

> "Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Smt. Shiv Devi, w.e.f. 26-8-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his re-employment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exists any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and

thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been *terminated* by the *opposite* party. *Therefore*, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1486.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नवोदय विद्यालय समिति के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 813/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/117/92-आई आर (डीयू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1486.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 813/2005) of the Central Government Industrial Tribunal-cum-Labour Court , No. II Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Navodaya Vidyalaya Samiti and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/117/92-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Shri Kuldip Singh, Presiding Officer

Case I.D. No. 813/2005

Registered on 7-09-2005

Date of Order 14-09-2007

Inderjeet Sareen House No. 3364,
Sector-47D, Chandigarh . . . Petitioner

Versus

Navodaya Vidyalaya Samiti,
Regional Office, Adult Education
Building, Sector-42-A, Chandigarh . . . Respondent

APPEARANCE

For the workman : Shri Randhir Singh Manhas, Advocate

For the Management : Shri D.R. Sharma, Advocate

AWARD

This is an application u/s 33A of the Industrial Disputes Act for adjudication of the fact that the management changed the service conditions of the workman during the pendency of the proceedings with further prayer that the order impugned be quashed and the recovery already made be refunded to the workman.

The claim of the workman is that the matter regarding his service conditions was referred to by the appropriate Government for the consideration of this Tribunal; that during the pendency of that dispute the management changed the service conditions of the workman as he was brought down to the pay of scale of 950—1500 whereas he was working in the grade of 1200—2040. The also ordered the recovery of amount of an amount of Rs. 5009 claiming the same having been paid to the workman inadvertently by the management. The management therefore, changed the service conditions of the workman during the pendency of the proceedings. They also did not take the permission of this Court u/s 33 of the Act. It is their case that the recovery ordered by the management amounted to minor punishment and the same could not be imposed without following the procedure laid down. Thus the order of recovery is not supported by law. The management further violated the principle of natural justice and started recovering money @ Rupees 300 without waiting for disposal of the appeal, the workman filed against the order of recovery. The workman has requested for adjudicating whether his service conditions were changed during the pendency of proceedings with further prayer to get him back the money recovered from him along with interest.

The management has opposed the claim of the workman. It is their submission that the claim made by the workman is not correct. That the service conditions of the workman were not changed although letter No. PF. 11/CR/Estt./95/671213 dated 9th of Dec., 1993 was issued by the management. According to them the workman was working in the grade 1200 —2040 in his parent department. However, the mgt. in their notification clearly indicated the pay scale of the driver as 950—1500 and it was in response to that letter the workman applied and was taken on deputation. After the completion of probation of two years the workman was asked if he was willing to be absorbed in the Estt. of the management. The workman conscientiously offered for being absorbed in the Estt. of the Mgt. and submitted willingness in writing dated 24-11-1989. No doubt during the period of his deputation he was given wages as per the scale of his parent deptt. But after his permanent absorption in the management he was paid the pay scale of post of driver. When it was found that the workman has received excess payment the recovery order was passed against him, but that did not change his service conditions. The workman was appointed in the pay scale of Rs. 950—1500 which was the only scale available to the driver with the mgt. The workman was given due notice of the office order and it is wrong to claim that no opportunity was given to the workman before changing his service condition since the order dated 30-04-1992 was duly served upon him. Admitting that recovery from the pay scale amounts to minor punishment, but only if the recovery of pecuniary loss caused to the Government by the negligence or violation of orders whereas in the present case the recovery was that of an excess payment of salary which did not fall in the category of minor punishment. Claiming that the representation made by the workman was considered and result thereof was intimated to the workman through Deputy Director of the management. The salary of the workman was fixed with the approval of the Director.

It may be stated that the reference received from the Ministry of Labour and referred to by the workman in the application stand disposed of vide order dated 01-08-2007. By the said award it has been held that the management was justified in not granting the pay scale of Rs. 1200—2040 to the workman which he was getting before his absorption in the Navodaya Vidyala Samity as his appointment was in the grade of Rs. 950—1500 although he was working in the grade of Rs. 1200—2040 in his previous department. In view of this it is not correct to claim that the management changed the service conditions of the workman during the pendency of the reference in question. As per the award the appointment of the workman with the management was in the grade of Rs. 950—1500 so he was entitled to salary in that grade only. If he received salary in the grade he was working in his parent department it was under mistaken belief and if the management later on corrected the same, even during the pendency of the reference, it cannot be said that the recovery of the excess money paid to him, violated the service condition of the workman. What the management did was to set at right the mistake they were committing and in doing to do they did not violate the provision of the Section 33 of the Act.

In view of the discussion made above I do not find any merit in this application which is dismissed. Let a copy of this award be sent to the appropriate Govt. for necessary and file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1487.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इंस्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 108/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/120/2000-आई आर (डीयू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1487.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. No. 108/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/120/2000-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 108 of 2000

In the matter of dispute between :

Shri Sujeet Kumar,
C/o Sri Rajendra Prasad Shukla
115/193 A.2 Maswanpur Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide notification No. L-42012/120/2000 IR (DU) dated 29-8-2000 has referred the following dispute for adjudication to this tribunal :

"Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur in terminating the employment of Shri Sujeet Kumar, w.e.f. 26-8-98 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of the the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 26-8-98 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment deboring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not

inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues becomes infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1488.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इन्सटिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 107/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/119/2000-आई आर (डीयू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1488.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 107/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/119/2000-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I. CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 107 of 2000

In the matter of dispute between :

Shri Rama Kant Tripathi,
C/o Sri Rajendra Prasad Shukla,
115/193 A.2 Maswanpur, Rawatpur,
Kanpur

AND

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur,
Kanpur

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/119/2000 IR (DU) dated 29-8-2000 has referred the following dispute for adjudication to this tribunal :

> "Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur in terminating the employment of Sri Rama Kant Tripathi w.e.f. 31-3-99 is legal and justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid

statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of Contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the managements. The production of opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 31-3-99 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not *afforded* any *opportunity* of his re-employment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exists any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exists any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an *industry*. *Management* has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment deboring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After the exchange of pleadings between the parties the contesting parties adduced oral as well as *documentary evidence* in *support* of their *respective* cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exists no relationship of master and servant between them and the so-called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the *absence* of any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues become infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoings that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the *Industrial Disputes* Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is, therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1489.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल वेयर हाउसिंग कॉर्पोरेशन, गुड़गांव के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-1,चंडीगढ़ के पंचाट (संदर्भ संख्या आई डी सं.-141/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/12/1999-आई आर (एम)]
कमल बाखरु, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1489.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. No. 141/2000) of the Central Government Industrial Tribunal-cum-Labour Court-1, Chandigarh now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Warehousing Corp., Gurgaon and their workman, which was received by the Central Government on 29-5-2008.

[No. L-42012/12/1999-IR (M)]
KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDERA KUMAR SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH

Case I.D. No. 141/2000

Shri Khazan Singh,
WA-I, New Anaj Mandi,
Khauso Road,
Gurgaon (Haryana) ... Applicant

Versus

Central Warehousing Corporation,
The Personnel Manager,
4/1, Siri Institutional Area,
Hauz Khas, New Delhi. ... Respondent

Appearances :

For the Workmen : Sri Arun Batra

For the Management : Shri Pardeep Sharma

AWARD

Passed on 9-5-2008 in Lok Adalat

Central Govt. vide Notification No. L-42012/12/99-IR (M) dated 16-3-2000 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Warehousing Corporation, Gurgaon over stoppage of five increments with cumulative effect imposed on Shri Khazan Singh, WA-I is legal and justified ? If not to what relief the workman is entitled to ?"

The present reference was made by the Central Govt. on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid and for holding the punishment awarded as illegal and unjustified with all consequential benefits by restoring the scale wages to the workman as if the order of punishment was not passed.

The management turned up and opposes this application.

As per office memorandum dated 30-4-08, this case was fixed in pre Lok Adalat meeting on 9-5-08 for its disposal by adopting the mediation and conciliation mechanism. With the efforts of the Tribunal the workman agreed to withdraw his reference. The management also agreed for restoration of five increments stopped by way of punishment in the year 1988 with all the consequential benefits w.e.f. the date of this order. The workman further undertake that he will not claim any back wages/arrears for the past period. The prescribed authority of the management and the workman during the hearing of this case in pre Lok Adalat agreed upon the above mentioned terms and conditions. It is proposed to dispose off this reference in Lok Adalat. Accordingly the management of Central Warehousing Corporation is directed to restore all the five increments with all consequential benefits from today itself. The workman is also directed not to claim any back wages or the arrears for the period from the stoppage of increments and the date of this order. The workman will also not have any right to agitate this issue in future as well. Accordingly the reference is returned to the Central Govt. as settled in Lok Adalat Central Govt. be informed. File be consigned to record.

Announced 9-5-08.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1490.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंटरनेशनल एयरपोर्ट अथोरिटी ऑफ इंडिया, त्रिवेन्द्रम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, एर्नाकुलम के पंचाट (संदर्भ संख्या आई डी सं.-127/2006 एवं 149/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-11011/5/2002-आई आर (एम)]
कमल बाखरु, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1490.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. No. 127/2006 and 149/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of International Airport Authority of India, Trivandrum and their workman, which was received by the Central Government on 29-5-2008.

[No. L-11011/5/2002-IR (M)]
KAMAL BAKHRU, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present :

Shri P.L. Norbert, B.A., LL.B., Presiding Officer

(Monday the 10th day of March 2008)

I.D. 127/2006 and 149/2006

I.D. 127/2006

(I.D. 78/02 of Industrial Tribunal, Kollam)

Workman : Biju D., Sudharsan House, TC 13/1067, Kollours Lane, Kannamoola Medical College, P.O., Trivandrum.

By Adv. T.K. Ananda Padmanabhan.

Management : 1. The Airport Director, Trivandrum Airport Authority of India, Trivandrum

2. Sri. Sajith, Proprietor, M/s. R.K. Electricals, PRA-53, Puthupally Lane, Medical College P.O., Trivandrum

3. Sri. Balakrishnan, Proprietor, M/s. New Electricals, Kannamoola, Medical College P.O., Trivandrum.

M1 — By Adv. Sri V. Santharam.

M2 & M3 — Ex-parte.

I.D. 149/2006

(I.D. 77/02 of Industrial Tribunal, Kollam)

Workman : Madhu, Vilayil Veedu, Vilayil Lane, Kozhiyottu Lane, Palkulangara, Trivandrum.

By Adv. T.K. Ananda Padmanabhan.

Management : 1. The Airport Director, Trivandrum Airport Authority of India, Trivandrum

2. Sri. Sajith, Proprietor, M/s. R.K. Electricals, PRA-53, Puthupally Lane, Medical College P.O., Trivandrum

3. Sri. Balakrishnan, Proprietor, M/s. New Electricals, Kannamoola, Medical College P.O., Trivandrum.

M1 — By Adv. Sri V. Santharam.

M2 & M3 — Ex-parte.

This case coming up for hearing on 26-2-2008, this Tribunal-cum-Labour Court on 10-3-2008 passed the following

AWARD

These are references made under Section 10(1)(d) of Industrial Disputes Act. The references are common. Hence one of them alone is extracted.

(a) "Whether Shri Biju D an Electrical and maintenance contract worker deployed in the establishment of International Airport Authority of India at Trivandrum Airport, Trivandrum through the contractors (1) M/s. R.K. Electricals and (2) M/s. New Electricals are entitled to regularisation by the management of International Airport Authority of India, Trivandrum in their establishment ?

(b) Whether the contract entered into between (1) M/s. R.K. Electricals and (2) M/s. New Electriclas contractors and the management of International Airport Authority of India, Trivandrum is genuine or a sham contract ? If so, what relief the worker concerned is entitled ?"

Since facts and evidence are common these cases are tried together and evidence is adduced in I.D. 127/2006 treating it as the main case and disposed of by a common award.

2. The facts in brief are as follows : Shri Biju D. and Shri Madhu B. were employed for carrying out the Electrical and maintenance work of the International Airport, Thiruvananthapuram from 1-5-1991 to 28-2-1994. Thereafter they were not engaged. Hence they claim reinstatement as well as regularisation. According to them they were working as contract labour continuously and without break for more than 3 years. The wages were paid by the Airport Authority. The workers had made representations for regularisation. But no action was taken

by the Airport Authority. The contract between Electrical contractors and the company is a sham arrangement made for the purpose of avoiding service benefits to the workmen. The Airport has re-employed similarly retrenched workmen. But the claimants are still out of service. They are to be reinstated and regularized.

3. According to the management the claimants are not workmen falling within the definition of S. 2 (s) of Industrial Disputes Act and hence they cannot raise an industrial dispute against the company. The contract between company and Electrical contractors is genuine. According to the management the claimants had not worked continuously for more than 3 years even under the contractors. They are not entitled either for re-instatement or for regularisation. The company has neither appointed nor terminated the service of claimants. The O.P. filed by the union on behalf of 23 similar workers was disposed of by High Court in the light of the judgement of Hon'ble Supreme Court in Steel Authority of India Limited Vs. National Union Waterfront Workers case.

4. The Electrical contractors (managements 2 and 3) contended in their written statement that they were contractors of Electrical work in the Airport Authority, Thiruvananthapuram. According to the 2nd management there was no dispute between workers and first management during their period from 1-5-1991 to 31-5-1993. They are an unnecessary party. According to the 3rd management their contract work could be continued only for a period of 5 months and due to labour unrest they had to stop the work. During that period the work was supervised by the 3rd management. In the light of the above contentions the following points arise for consideration :

1. Is the contract sham or genuine ?

2. Are claimants entitled for reinstatement and regularisation ?

The evidence consists of the oral testimony of WW1 and WW2 and documentary evidence of Exts. W1 series to W8 on the side of workmen and MW1 and Exts. M1 to M4 on the side of Management.

5. **Point No. 1 :** Though the workmen admit that they are contract labour, they dispute the contract between the Ist management and the contractors as being sham. On the other hand according to the managements 1 to 3, the contract is genuine and the claimants were employed only as contract workers and not as employees of Airport Authority. Both claimants are working in Electrical division in the Airport. Sri Biju D. was a Electrician and Sri Madhu was a Supervisor in the Electrical wing. It is pointed out at the very outset by the learned counsel for the first management that the case of claimants that the contract is sham, is a contention taken up for the first time before this court and is a wisdom dawned late. The learned counsel refers to Exts. M1, W5 and W7 to substantiate his contention. Ext. M1 is copy of O.P. No. 3169/94 filed before the Hon'ble High Court of Kerala by the Union on behalf of 23 workers including the present claimants. Ext. P1 in Ext. M1 is a list of workers. Sri Madhu is first in the list and Sri Biju 7th in the list. Therefore whatever is stated in Original Petition is binding on the claimants as well. It is repeatedly stated in O.P. that the 23 workers in O.P. are contract labourers employed under different contractors from 1-5-1991 to 28-2-1994. In paragraph 2 of the Original Petition it is stated that when the 9th respondent in O.P. (M/s. Ajantha Electricals) took up the contract from 1st March 1994 they attempted to deny employment to the workers. The workers have a right to continue in service irrespective of the change of contractors. There is a prayer to direct Airport Authority and 9th respondent to continue the 23 workers as contract labour and not to engage any new workmen. There is yet another prayer to declare that the 23 workers has every right to continue as contract labourers under the 9th respondent or any other contractor appointed by respondents 5 and 6 (Airport Authority). Ext. P2 in Ext. M1 is a petition filed before the Assistant Labour Commissioner (Central) by the union on behalf of 23 workers who are members of the union. It is mentioned in paragraph 2 of the petition that the 23 workers are contract labourers as defined in the Contract Labour (Regulation and Abolition) Act, 1970. It is further stated that the management No. 1 is the principal employer and managements 2 and 3 are contractors. It is further stated in Ext. P2 that as per Rule 25 (2) (v) (a) of Contract Labour (Regulation and Abolition) Central Rules, 1971 the Contract labour engaged are entitled to get the same wages, holidays and other conditions of service as in the case of same type of workers directly employed by the principal employer. Hence the Assistant Labour Commissioner is requested to conciliate and persuade the management to disburse arrears of wages calculated by taking into account the difference in wages. Ext. P2 is a statement of arrears of wages. Ext. P3 is a notice of strike issued by the union. The reasons for the strike is mentioned in annexure to Ext. P3. The opening sentence of the annexure is that unions represent the contract labourers who are engaged in the maintenance of electrical installations, fittings etc. in the buildings of International Airport, Thiruvananthapuram. The demand of the union was for pay parity with the regular employees of Airport Authority. Ext. W5 is report of failure of conciliation submitted by Assistant Labour Commissioner (C) to the Secretary, Ministry of Labour and Employment, New Delhi. It is mentioned in paragraph 2 of the report that the workers had claimed that they were working under contractors from 1-5-1991 to 28-2-1994 continuously and they were claiming regularisation. Ext. W7 is an application of Sri B. Madhu to ALC. His case was that he was a contract labourer. Thus all along the case of the claimants was

that they were employed under different contractors from 1991 to 1994 February. When a new contractor took up the contract they were denied employment. Nowhere in the Original Petition or statement submitted to ALC there is a contention that the contract is sham. As rightly pointed out by the learned counsel for the first management, it is for the first time that such a contention is taken up before this court. It is definitely an inconsistent plea and an afterthought. Such a plea is taken to reap the benefits of the decision of Hon'ble Supreme Court in Steel Authority's Case. But the inconsistency in the pleadings has laid axe to the very root of their case. The first plea is the best plea and contains the truth untainted by subsequent developments. Therefore on the score of inconsistency alone the case of the workmen are to be thrown out at the threshold. But even going by their own case, I don't think that they have made out a case of sham contract.

6. In Steel Authority of India Limited and Others Vs. National Union Waterfront Workers and others, (2001) 7 SCC 1 in paragraph 125 (5) and (6) it is observed by the Hon'ble Supreme Court :

> "(5) On issuance of prohibition notification under Section 10(1) of the CLRA Act prohibiting employment of contract labour or otherwise, in an industrial dispute brought before it by any contract labour in regard to conditions of service, the industrial adjudicator will have to consider the question whether the contractor has been interposed either on the ground of having undertaken to produce any given result for the establishment or for supply of contract labour for work of the establishment under a genuine contract or is a mere ruse/camouflage to evade compliance with various beneficial legislations so as to deprive the workers of the benefit *thereunder*. If the *contract* is found to be not genuine but a mere camouflage, the so-called contract labour will have to be treated as employees of the principal employer who shall be directed to regularise the services of the contract labour in the establishment concerned subject to the conditions as may be specified by it for that purpose in the light of para 6 hereunder.
>
> (6) If the contract is found to be genuine and prohibition notification under Section 10(1) of the CLRA Act in respect of the establishment concerned has been issued by the appropriate Government, prohibiting employment of contract labour in any process, operation or other work of any establishment and where in such process, operation or other work of the establishment the principal employer intends to employ regular workmen, he shall give preference to the erstwhile contract labour, if otherwise found suitable and, if necessary, by relaxing the condition as to maximum age appropriately, taking into consideration the age of the workers at the time of their initial employment by the contractor and also relaxing the condition as to academic qualifications other then technical qualifications."

7. The Court has to consider first whether the contract is sham or genuine. If the contract is sham the labourers are to be treated as employees of the principal employer and the principal employer is to be directed to regularise the service of such contract labour subject to educational qualification, age etc. On the other hand if the contract is genuine a notification under S.10(1) of Contract Labour (Regulation and Abolition) Act has to be issued by the appropriate Government if the labourers want to stake a claim for regularisation and preference in recruitment.

In workmen of Nilgiri Co-operative Marketing Society Limited Vs. State of T.N. and Others, (2004) 3 SCC 514 the test to determine the nature of the contract is considered in paras 32 to 37. In para 37 the main factors to be considered for determining the nature of the contract are mentioned.

> "The control test and the organisation test, therefore, are not the only factors which can be said to be decisive. With a view to elicit the answer, the court is required to consider several factors which would have a bearing on the result : (a) who is the pointing authority; (b) who is the paymaster; (c) who can dismiss; (d) how long alternative service lasts; (e) the extent of control and supervision; (f) nature of the job e.g. whether it is professional or skilled work; (g) nature of establishment; (h) the right to reject".

8. Admittedly there is neither an appointment order nor a termination order concerning the claimants. No disciplinary action is taken by Airport Authority against the claimants. According to WW1 the wages were paid by contractors in the presence of officers of Airport. But WW2 denies that contractor had paid wages. However he does not specify which official of the Airport Authority had paid the wages and the mode of payment. No doubt the workmen had called for attendance register and long book from the Airport Authority for the purpose of showing that the attendance is recorded and payment is made by Airport Authority. However the Airport Authority did not produce them, but preferred to file an affidavit stating that the records called for were not available with the Airport. It is relevant to note that in view of the contention of Airport Authority that they are not the employer of claimants, they cannot be expected to maintain any record with regard to the service of claimants. Naturally they cannot also produce records relating to the payment of wages to contract workers. Therefore the non-production of attendance register and log book would not be a circumstance to draw an adverse inference against Airport Authority.

9. Regarding supervision and control nothing is stated by either WW1 or WW2. In the claim statement also there is no pleading regarding supervision and control. According to the learned counsel for the claimants Ext.W1 series passes will sow that the claimants were working continuously, without break under the Airport Authority from 1991 to 1994. Ext. W1 series are entry permits issued during the period from 4-9-1991 to 23-2-1994 to Sri. D. Biju. But continuous work however long will not make them workers of Airport Authority. Entry permits are issued by the Airport Authority for the purpose of permitting entry of persons in Airport premises to work. Without entry passes nobody can enter the Airport premises especially within the buildings. That will not in anyway determine the nature of employment. All the entry passes show that they were issued at the request and address of contractors, though claimants' name is shown. Ext.W6 series are also similar entry permits issued to Sri Madhu. There are no other documents to support the case of the claimants that though they were engaged through contractors they were actually employed by Airport Authority.

10. The evidence on record does not show that the contract is sham and 1st management is the employer of claimants. The notification of 1999 prohibiting contract labour in certain categories of work in Airport stands set aside by virtue of the judgement in Steel Authority of India. Unless a fresh notification is issued under Section 10(1) of CLRA Act, an industrial dispute for regularisation will not lie as the contract is genuine.

11. **Point No. 2** : I have already found that the claimants are only contract labourers. There is no jural relationship of employer and employee between first management and the claimants. Even if they worked continuously for more than 240 days, being contract labour, they have not acquired any right for employment under the principal employer. It is needless to say that the contractor is the employer of claimants and so the contractor decides the employment of claimants. When the contract of 2nd and 3rd managements came to an end, the service of claimants also came to an end. It is for the contractor to decide whether the same workers should be engaged or not. Therefore the first management cannot be asked to reinstate the claimants much less regularise them in service. They are also not entitled for any kind of compensation from the first management.

The learned counsel for the workmen relying on the decision U.P. State Electricity Board Vs. Pooran Chandra Pandey, 2007 (4) KLT 513(SC) contended that employees who have put in long service cannot be denied benefit of regularisation and made to face same selection which fresh recruits have to face. In the reported case the court observed that the decision in Secretary, State of Karnataka and others Vs. Uma Devi and others 2006 (4) SCC 1 shall not be mechanically applied to a case without looking into the facts of that case. In the U.P. State Electricity Board case formerly a society was the supplier of Electricity. While so UP Electricity Board took over the society. Some of the employees in the society were direct employees of the Board and others were employees of society. Along with the society the direct employees of the Board alone were taken over, but not the employees of society. This was challenged. When the matter came up before the Hon'ble Supreme Court it was held that at the time of take over the employees of society enjoyed the same status of direct employees of Electricity Board and it was in violation of Article 14 of the constitution that such employees were discriminated and not treated as employees of Electricity Board. The Judgement was rendered in a case where regularisation was sought on the ground of violation of Article 14 of the constitution. It was in that context that Hon'ble S.C. made observation regarding application of Uma Devi's case to the reported case. However the decision in U.P. State Electricity Board has no application to the facts of this case. The workers were not able to show that they were discriminated by the 1st management by re-employing or regularising similar other workers.

For the reasons stated above I find that the claimants are not entitled for any kind of reliefs.

In the result, an award is passed finding that the claimants are not entitled either for regularisation or for any other relief and that the contract is genuine. No cost.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 10th day of March, 2008.

P. L. NORBERT, Presiding Officer

Appendix

Witnesses for the Workmen

WW1	--	19-02-2007	: Sri Biju D.
WW2	—	19-02-2007	: Sri Madhu.

Witness for the Management

WW1	--	07-08-2007	: Smt. John Nellimala Sarat.

Exhibits for the Workmen

W1 series	—		: Temporary Entry Permit Card issued to the workmen (15 nos.)
W2	—	04-10-2001	: Photostat copy of Judgment in O.P. 3169/1994 of the Hon'ble High Court of Kerala.

W3 — 01-01-2002 : Representation submitted by Sri. Madhu to the Asstt. Labour Commissioner (C), Trivandrum.

W4 — 14-01-2002 : Photostat copy of reply submitted by the Management before the Assistant Labour Commissioner (C) Trivandrum.

W5 — 27-2-2002 : Photostat copy of failure of conciliation report submitted to the Secretary, Ministry of Labour and Employment by the Assistant Labour Commissioner (C).

W6 series : Photostat copies of Temporary Permit issued to the workman.

W7 — 28-1-2002 : Representation submitted by Sri Madhu to the Assistant Labour Commissioner (C) Trivandrum

W8 — 14-1-2002 : Photostat copy of reply submitted by the management before the Assistant Labour Commissioner.

Exhibits for the Management

M1 — 03-03-94 : Copy of Original Petition No. 3169/94 filed before the Hon'ble High Court of Kerala.

M2 — 26-10-99 : Photostat copy of Order in CWP 6540/99 of the Hon'ble High Court of Delhi.

M3 — 08-04-2002 : Photostat copy of Judgement in LPA 530/02 of the Hon'ble High Court of Delhi.

M4 — 31-01-2003 : Order in CC 956/03 of the Hon'ble Supreme Court of India.

नई दिल्ली, 29 मई, 2008

का. आ. 1491.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. जे. एम. बक्सी एण्ड कं. एवम् मै. वेस्टर्न स्टार लाईन्स प्रा. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआई टी-2/58/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-31011/3/2002-आई आर (एम)]
कमल बाखरु, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1491.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-2/58/2002) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. J. M. Baxi & Co. and M/s. Western Star Lines Pvt. Ltd. and their workman, which was received by the Central Government on 29-5-2008.

[No. L-31011/3/2002-IR (M)]
KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

Present :

A. A. Lad, Presiding Officer

Reference No. CGIT-2/58 of 2002

Employers in relation to the Management of :

(1) M/s. J. M. Baxi and Co.

(2) M/s. Western Star Lines Pvt. Ltd.

1. The General Manager,
J. M. Baxi & Co.,
16, Bank Street,
P.O. Box No. 731,
Mumbai-400001

2. M/s. Western Star Lines Pvt. Ltd.,
Bank of Baroda Building, 3rd Floor,
Mumbai Samachar Marg,
Fort,
Mumbai-400001

AND

Their Workman

The Vice President,
Nhava Seva Port and General Workers' Union,
Port Trust Kamgar Sadan, 2nd Floor,
Nawab Tank Road,
Mazgaon,
Mumbai-400010

APPEARANCES

For the Employer No. 1 : Mr. P. Ramaswamy, Advocate

For the Employer No. 2 : Mr. M. B. Anchan, Advocate

For the Workmen : Mr. J. H. Sawant, Advocate

Mumbai, dated 18th March, 2008

AWARD

The Government of India, Ministry of Labour by its Order No. L-31011/3/2002-IR (M) dated 11-7-2002 in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of M/s. J. M. Baxi & Co. and M/s. Western Star Lines Pvt. Ltd. in terminating the services of 76 workmen as per Annexure 'A' enclosed is legal, justified ? If not, to what relief the workmen are entitled to ?"

List as per Annexure 'A'

Sr. No.	Name
1	2
1.	Mr. Sunil Sequiera
2.	Mr. Mark Pinto
3.	Mr. John Fernandes
4.	Mr. Dharmesh Kindalkar
5.	Mr. Derrick Lobo
6.	Mr. A. B. Patankar
7.	Mr. G. Elizer
8.	Mr. Mohiddin Sheikh
9.	Mr. Sailesh Pednekar
10.	Mr. Sachin Dalal
11.	Mr. S. Y. Rawle
12.	Mr. V. K. Singh
13.	Mr. Sabbir Sheikh
14.	Mr. G. G. Kedrekar
15.	Mr. S. R. Bharadwaj
16.	Mr. Jackson Fernandes
17.	Mr. Deepak Kindalkar
18.	Mr. H. M. Mhatre
19.	Mr. A. R. Patel
20.	Mr. Y.D. Patel
21.	Mr. Hemant Dave
22.	Mr. Hoshiyar Singh
23.	Mr. S. Sarkar
24.	Mr. H. R. Kindalkar
25.	Mr. Zoozer Bengali
26.	Mr. Patrick Pasanna
27.	Mr. G.S. Chavan
28.	Mr. Shrikant Singh
29.	Mr. R. V. Shirke
30.	Mr. Balakrishna Nair
31.	Mr. Darryl Lobo
32.	Mr. Walliam Balid
33.	Mr. Robert Godiwala
34.	Mr. P. S. Katkar
35.	Mr. B. A. Vaity
36.	Mr. Pravin Shirke
37.	Mr. Michel Fernandes
38.	Mr. Michel D'Souza
39.	Mr. O. P. Singh
40.	Mr. P. S. Pandian
41.	Mr. Pandurang Naik
42.	Mr. Domnic Corriea
43.	Mr. Sayed Imran
44.	Mr. C. S. Gowda
45.	Mr. C. R. Poojary
46.	Mr. A. K. Singh
47.	Mr. L. B. Singh
48.	Mr. Suresh Ulvekar
49.	Mr. N. Shaji
50.	Mr. A. D. Waingankar
51.	Mr. Ramachandra Shirke
52.	Mr. Satish Dalvi
53.	Mr. Robert D'Souza
54.	Mr. Sarju Pednekar

1	2
55.	Mr. Naresh Kindalkar
56.	Mr. H. C. Dubey
57.	Mr. R. S. Tandel
58.	Mr. Dhananjay Thakur
59.	Mr. Manohar Sarode
60.	Mr. Jayesh B. Gharat
61.	Mr. Damodar Thakur
62.	Mr. Uttam Mhatre
63.	Mr. Prakash Thakur
64.	Mr. Janardan Koli
65.	Mr. Jagdish Gharat
66.	Mr. Pravin Thakur
67.	Mr. Sunil Masane
68.	Mr. R. G. Gharat
69.	Mr. R. C. Pawar
70.	Mr. M. A. Khan
71.	Mr. S. S. Patil
72.	Mr. Surendra Panda
73.	Mr. Narayanan
74.	Mr. Ramesh Koli
75.	Mr. Ramesh Rasal
76.	Mr. Jaisinga

2. To establish claim of these workers against first party No. 1 and first party No. 2, Vice President of Nhava Sheva Port and General Workers Union has filed Claim Statement at Ex-8 making out case that, 76 workmen involved in the reference whose names appear in the annexure 'A' of the reference order were attending the work of M/s. J. M. Baxi & Co. functioning at major Ports of Jawaharlal Nehru Port Trust, Mumbai and at other ports in India. The work being attended by them was related to the shipping agency taken over by M/s. J. M. Baxi & Co. These workmen were attending job of M/s. J. M. Baxi & Co. including work of delivery challans, dock entry passes, statement of loading, correspondence, activity report etc. In order to defy the rights and benefits of these workmen, they are not treated as employees by M/s. J. M. Baxi & Co. and they have not made them permanent. According to Vice President of Union, workman were attedning permanent nature of work of M/s. J. M. Baxi & Co. though they were shown and treated as workmen supplied by M/s. Western Star Lines Pvt. Ltd. to M/s. J. M. Baxi & Co. It is case of Union that, said agreement between M/s. J. M. Baxi & Co. and M/s. Western Star Lines Pvt. Ltd. was sham and bogus and it was made just to deprive these workmen's benefits. In addition to that, J. M. Baxi & Co. has shown these workmen working with Western Star Lines Pvt. Ltd. According to union, actually they are working for J. M. Baxi & Co. and are not employees of M/s. Western Star Lines Pvt. Ltd. In fact M/s. Western Star Lines Pvt. Ltd. is a part and parcel of J. M. Baxi & Co. Though Union signed settlement between union and M/s. Western Star Lines Pvt. Ltd., in an anxiety to give benefit to the workers, but actually it was an agreement between union and M/s. J. M. Baxi & Co. According to union, the action taken by M/s. J. M. Baxi & Co. through M/s. Western Star Lines Pvt. Ltd. in terminating these 76 workmen involved in the reference is illegal and unjustified. So it is prayed that, said action brought into force w.e.f. 1-4-2001 against the workers from Sr. nos. 1 to 72 and w.e.f. 3-10-2000, for the workers from Sr. Nos. 73 to 76 be delcared void, illegal and Management No. 1 be directed to treat them as their employees and prayed to reinstate with M/s. J. M. Baxi & Co. with full backwages and continuity of service.

3. This is disputed by First Party No. 1 M/s. J. M. Baxi & Co. by filing Written statement at Ex-9 stating and making out case that, M/s. J. M. Baxi & Co. is a partnership firm engaged in handling of shipping agency, stevedoring, clearing and forwarding and project transportation at various ports in India including JNPT. It is further contended that the work taken by M/s. J. M. Baxi & Co. is of unloading of bulk fertilizers cargo at JNPT and also bagging the material of bulk cargo into small baggage, stitching them, loading and unloading it to transport it to different Ports. The main work of the emplyees working there is to do that work. Since work is required to be supervised, Company had entered into an agreement with M/s. Western Star Lines Pvt. Ltd. for supply of supervisors for supervision of work of the dock workers as well as other contract employees. It is contended that, nature of their work intermittent and not continuous which depend on arrival of ships at JNPT with bulk cargo. However JNPT partially discontinued receiving bulk cargo at its port and accordingly during year 2000-01 there was reduction of work by 50%. In the same year, fertilizers and urea was not imported as bulk cargo to JNPT. According to J. M. Baxi & Co., the cargo business came down by 50% and as such, requirement of supervisors for supervision came down and hence M/s. J. M. Baxi & Co. informed the Western Star Lines Pvt. Ltd. not to send supervisors for supervision. As a result of that M/s. Western Star Lines Pvt. Ltd. terminated services of these supervisors since there was no work with them with M/s. J. M. Baxi & Co. It is further contended that, these workmen are not workmen under Industrial Disputes Act. Besides, Western Star Lines Pvt. Ltd. has paid retrenchment compensation and notice pay to these workmen as required under Industrial Disputes Act. Since they are retrenched by Western Star Lines Pvt. Ltd., they

cannot claim relief form M/s. J. M. Baxi & Co. It is further contended that, there is no employer-employee relationship with these 76 workmen and M/s. J. M. Baxi & Co. There is no master and servant relationship since there was no work and M/s. J. M. Baxi & Co. intimated its agency i.e. M/s. Western Star Lines who terminated service of these persons. They have no reason to claim any relief against M/s. J. M. Baxi & Co. So it is prayed that, prayer prayed against M/s. J. M. Baxi & Co. be rejected.

4. M/s. Western Star Lines Pvt. Ltd. by filing Written statement at Ex-10, made out case that, the 76 persons involved in the reference are not workmen at all. They are 'supervisors' since they were getting salary more then Rs. 1,600 per month. Even they are shown as a supervisor. It is further contended that, no demand is made against M/s. Western Star Lines Pvt. Ltd. So no relief can be granted against it. It is stated that, Western Star Lines, Pvt. Ltd. has nothing to do with M/s. J. M. Baxi and Co. It is independent body. Number of work was assigned by M/s. J. M. Baxi & Co. to this company which it handled time and again. It is stated that, import of bulk cargo came down upto 50% between 1997 and 2000. In this situation, it had no option but to reduce the strength of its man power. Since M/s. J. M. Baxi & Co. informed it that, M/s. J. M. Baxi & Co. cannot accept the services of these 76 employees, no option remained with Western Star Lines Pvt. Ltd. but to terminate the services of these 76 persons by following due process of law. They offered compensation as well as notice pay. Since action taken by Western Star Lines was just and proper, it does not require to be interfered. So it is submitted that, reference be rejected.

5. In view of above pleading, my learned predecessor framed issues at Ex-14 which I answer as follows :

i.	Whether the workers under reference 76 were in the employment of management of M/s. J. M. Baxi & Co. as averred in statement of claim para 3 ?	Yes
ii.	Whether union proves that agreements/arrangements between M/s. J. M. Baxi & Co. and M/s. Western Star Lines Pvt. Ltd. was sham, bogus and camouflage as averred in para 4 of the statement of claim ?	Yes
iii.	Does management M/s. Western Star Lines Pvt. Ltd. prove that workers under reference are not workmen under the Industrial Disputes Act ?	No.
iv.	Whether the action of the management of M/s. J. M. Baxi & Co. in terminating the services of the said workmen under reference is legal and justified ?	No.
v.	Whether the action of the management of M/s. Western Star Lines Pvt. Ltd. in terminating the services of the said workmen under reference is legal and justified ?	No.
vi.	What relief the concerned workmen are entitled to ?	Workmen involved in the reference are entitled for reinstatement with 25% back-wages.

REASONS

Issue No. 3 :

6. Number of issues are framed on the pleadings of the parties concerned. Issue of 'workman' is framed on the basis of pleadings of both managements, since both have taken contention that, persons involved in the reference are not workmen under Industrial Disputes Act. Since this issue goes to the root of the case, I am taking this issue at the beginning for discussion.

7. Case of both the management is that, persons involved in the reference are 'supervisors' and nor workmen. Even in the written statement M/s. J. M. Baxi & Co. has made out case which is repeated by the other management i.e. Western Star Lines Pvt. Ltd. addressing these persons as 'supervisors'. However reference is sent for adjudication by the Government of India treating these persons as workmen.

8. Now let us see that evidence is led by both managements to prove that, persons involved in the reference are not 'workmen' but are 'supervisors' ? In fact burden lies on both i.e. on workman and as well as on both the managements. Mr. Jaiprakash Sawant who is a professional Advocate who as the Vice-President of the Nhava Sheva Port and General Workers Union, in his affidavit Ex-21, address these persons as 'workmen'. He claims that, these persons were attending permanent nature of work. In the cross name of one of the person by name Mhatre is referred describing as a 'supervisor' at Ex-15/13. Said Mhatre is described as a 'Welder'. The case of the management is that, he was not doing loading and unloading work. Suggestion was put that except electrician, driver and peon, all other were in the category of supervisors which is denied by Sawant in his cross.

Against that, Management led evidence of one Parikh of whose affidavit is filed at Ex-25. It does not spell any thing about status of these persons. However in the cross, this witness admits that, these employees are not authorised to sanction leave nor authorised to take action against others. He also admits that, these employees were not involved in taking major policy decisions and he admits that, these persons were attending clerical work. Though management examined other witnesses, said witness is silent on the work of nature of work attended by these persons.

9. So this is the evidence about status of the persons involved in this reference. Case of both managements is that, since some of the persons were described as 'supervisor' and designated to that effect, they are not workmen. But here duties of those persons are not brought on record to take away them from the definition of 'workman'. No specific case is made out to conclude that, persons involved in the reference required to not to call as 'workman'. Merely because they are designated as 'supervisors' it does not mean that they automatically get status of supervisor. On the contrary, nature of work attended by them in dockyard of loading and unloading and attending work of electricians, technicians and driving work or attending clerical work cannot be observed not done by the workman. It is admitted fact that, these persons were doing that type of work that too in the Dock where both managements were engaged in handling of bulk cargo. Bulk Cargo means a cargo which is not coming in handling position. To bring cargo in handling position, some process is required and that process of unloading, filling them into small bags, weighing those, recording its numbers, stitching of bags of it and again loading of it in different vehicles to transport it and send out of area of dock. Besides, no specific case is made out by both managements. Quantum of salary of each of them cannot take them away from the definition of 'workman'. Besides it is to be noted that after conciliation proceedings and after sending failure report by Conciliation Officer. 'Government of India' sent this reference for adjudication treating these persons as 'workmen'. The various steps taken in the case of these persons favour them in concluding that, they are workmen. Naturally burden shifts on management to prove that, they are not 'workmen'. Since that burden is not properly discharged by both managements, I conclude that these persons are workmen. So I answer this issue in the affirmative.

Issue Nos. 1 & 2 :

10. The Vice President of Nhava Seva Port Trust and General Workers Union in claim statement Ex-8 made out case that, workers involved in the reference were attending work of management of M/s J. M. Baxi & Co. functioning at major ports of Jawaharlal Nehru Port Trust and other ports in India. Work of M/s J. M. Baxi & Co. is attended by workmen which is relating to shipping agency, stevedoring and other port related activities. They were attending job of M/s J. M. Baxi & Co. Said company in order to deprive these workmen of their rights and benefits, they were not made permanent by said company and as such, they are entitled to be continued in service in this Company. It is further contended that though these workmen were attending permanent nature of work of M/s J. M. Baxi & Co. they were shown and treated as workmen supplied by M/s. Western Star Lines Pvt. Ltd. to M/s J. M. Baxi & Co. for the work of M/s. J. M. Baxi & Co. According to union said arrangement or agreement between M/s J. M. Baxi & Co. with M/s Star Line Pvt. Ltd. was sham and bogus and it was mere camouflage to deprive these workmen of their benefits. According to union actually workers involved in the reference are the employees of M/s J. M. Baxi & Co. and not concerned with so called Western Star Lines Pvt. Ltd. which is mere name lender and paper arrangement. It is further stated that, union signed settlement with M/s. Western Star Line Pvt. Ltd. in an anxiety for improvement of service conditions of workmen, which does not mean that, M/s Western Star Line Pvt. Ltd. is the employer and these employees are their employees. So it is stated that, termination w.e.f. 1-4-2001 of these 72 workmen i.e. workman from Sr. no. 1 to 72 w.e.f. 1-4-2001 and 4 workmen at Sr. no. 73 to 76 w.e.f. 10-3-2000 by M/s J. M. Baxi & Co. was done in violation of principles of natural justice and to victimise these workmen and effect of it was given without following provisions of Section 25 F of Industrial Disputes Act. It is also stated that M/s J. M. Baxi & Co. through its agent M/s Western Star Lines Pvt. Ltd. retrenched the workmen on the ground of 'work not available' is not just and proper and the termination dated 30-3-2001 issued by the management to the workmen is bad in law. Whereas case of the M/s J. M. Baxi & Co. is that, it entered in to agreement with Western Star Line Pvt. Ltd. for supply of supervisors. The nature of work was intermittent and not continuous depending upon the arrival of ship with bulk cargo. According to M/s J. M. Baxi & Co., work of receiving cargo at ports during 2000-2001 reduced by 50%. In the same year fertilizer and urea was not imported as bulk cargo. As a result no business of cargo and as it came down by less than 50%, the requirement of these supervisors came down and thus M/s. J. M. Baxi & Co. had informed Western Star Line Pvt. Ltd. that, it does not require services of these supervisors from April 2001. Accordingly, Western Star Lines Pvt. Ltd. might have terminated the services of these workmen. It is stated that, there is no employer-employee relation or master & servant relation between M/s J. M. Baxi & Co. and these employees since the employees involved in the reference are not directly employed by M/s J. M. Baxi & Co. Union cannot pray to reinstate the employees by M/s J. M. Baxi & Co. Against that, stand of the M/s Western Star Line Pvt. Ltd. is that, since no demand was made by these workmen against Western Star

Lines Pvt. Ltd. reference is not maintainable. It is further stated that, it is independent agency supplying workers to the M/s J. M. Baxi & Co. It has nothing to do with M/s J. M. Baxi & Co. It is also stated that since there was no work with M/s J. M. Baxi & Co. they informed Western Star Lines Pvt. Ltd. not to send these workers and accordingly, Western Star Line informd workers not to report on duty. Even they have paid retrenchment compensation to the workers and these 76 employees cannot seek relief against M/s J. M. Baxi & Co.

11. So we have to see whether the workmen involved in the reference were directly working with M/s J. M. Baxi & Co. or Western Star Line Pvt. Ltd. was having control over these employees ? We have to also see who is the real employer and whether Western Star Line Pvt. Ltd. is a mere name lender as claimed by the union who was playing role at the instance of M/s J. M. Baxi & Co. ?

12. For that, if we peruse the evidence of union filed by it by filing affidavit in lieu of examination-in-chief of Jaiprakash Sawant Ex-21 who reproduced all the story as narrated above and as a pleaded by the union. In the cross he denied that, there was reduction in supply of fertilizer in 2001-2002. He deny that employees involved in the reference are not the employees of M/s. J. M. Baxi & Co. He deny that, employees involved in the reference were working under the control of M/s. Western Star Lines Pvt. Ltd. who supplied the services of these workmen to M/s. J. M. Baxi & Co. He admits that, notice pay was paid by Western Starline vis-a-vis retrenchment compensation to these workers. He named the person S. K. Chatterjee saying that, he was supervising the work of these workers on behalf of M/s. J. M. Baxi & Co. He has produced relating document at Ex-15/1. Mr. Sawant claims that appointment orders were issued to these workers by M/s. J. M. Baxi & Co. However he unable to produce those appointment orders. He denied that there was reduction in supply of bulk cargo which invite M/s. J. M. Baxi & Co. to inform Western Starlines Pvt. Ltd. not to sent these workers on work. And on this evidence union closed evidence by filing purshis Ex-24. Against that, M/s. J. M. Baxi & Co. filed an affidavit of S. K. Parekh in lieu of examination-in-chief Ex-25 who denied the relationship with workers and made out case that, the workers involved in this reference were working through Western Starline Pvt. Ltd. In the cross this witness states that, he never attended work place where workers were working. He unable to state whether, Western Starline Pvt. Ltd. is a part and parcel of M/s. J. M. Baxi & Co. He admits that M/s. Western Starlines Pvt. Ltd. is a sister concern of M/s. J. M. Baxi & Co. Mr. Krishna Kotak, Director of M/s.. Western Starline Pvt. Ltd. appointed him in. He unable to state whether said Kotak is Head of M/s. J. M. Baxi & Co. He admits that, all transactions took place at the instance of Krishna Kotak. He admits that, M/s. J. M. Baxi & Co. handles the work of bulk cargo at various ports. He admits that, he has not supervised the work of these workers. He admits that seniority list of these workers was never displayed. He unable to state, whether Western Starlines Pvt. Ltd. has valid labour contract license. He admits that, Mr. Dhawle is the General Manager of M/s. J. M. Baxi & Co. He unable to state whether some workers were directly employed by M/s. J. M. Baxi & Co. He admits that, his name was published in the diary of M/s. J. M. Baxi & Co. He also admits that, his name was displayed in the diary of M/s. J. M. Baxi & Co. as he is consulted in advisory capacity in respect of finance of the said company. He admits that, he goes through the accounts of M/s. J. M. Baxi & Co. He admits that, he was appointed by Mr. K. B. Kotak who is the Director of Western Starline Pvt. Ltd. He admits that, said Kotak instructed him to help M/s. J. M. Baxi & Co. regarding finance. Then one more witness was examined at Ex-27 by name S. Surendra Nath. He was examined by filing affidavit in lieu of examination-in-chief who tried to project the scope of M/s. J. M. Baxi & Co., its business activities and how it took services of Western Starline Pvt. Ltd. in handling cargo. He also tried to project regarding reduction of cargo and reason behind said reduction as well as instruction of M/s. J. M. Baxi & Co. to Western Starlines Pvt. Ltd. not to send workers on work. In the cross this witness states that, Mr. Naresh Bhai Kotak, Bhagwan Kotak and Krishna Kotak are the partners of M/s. J. M. Baxi & Co. He also admits that, it is a proprietary concern. He admits that Chaterjee was Chairman upto 2001. He unable to state whether, T. A. Shetty and one Shrivastav for M/s. J. M. Baxi & Co. were supervising work of these workmen. He unable to state the name of other agency who is helping M/s. J. M. Baxi & Co. in handling cargo. He admits that he has not seen any agreement took place between M/s. J. M. Baxi & Co. with Western Starline Pvt. Ltd. who agreed to supply services. He admits that, he has no personal knowledge about pages 50 & 51 of Ex-32 vis-a-vis pages 52—54 of Ex-32. He admits that pages 1—49 of Ex-32 are the copies of the diary published for the year 2005-06 by M/s. J. M. Baxi & Co. and on that M/s. J. M. Baxi & Co. closed evidence by filing purshis Ex-30. Against that Western Starlines Pvt. Ltd. chose not to lead evidence and filed purshis Ex-31.

13. Written arguments are submitted by union at Ex-37 and by M/s. J. M. Baxi & Co. at Ex-38, whereas it is submitted by Western Star Lines Pvt. Ltd. at Ex-39 and additional Arguments at Ex-40.

14. So here evidence lead by M/s. J. M. Baxi & Co. through S. K. Parekh Ex-25 and S. Surendra Nath Ex-27 shows that M/s. J. M. Baxi & Co. is concerned with Western Starline Pvt. Ltd. On the contrary S. K. Parekh Ex-25 admits that M/s.. Western Starline is a sister concern of M/s.. J. M. Baxi & Co. and Kotak

advised this witness to help Western Starline Pvt. Ltd. Even this witness stated that Krishna Kotak a Director of M/s. J. M. Baxi & Co. appointed this witness with Western Starline. He also admits that, all settlement and transactions took place were at the instance of Krishna Kotak. When Western Starlines is a sister concern of M/s. J. M. Baxi & Co., and when working of Western Starline Pvt. Ltd. is looked after by person appointed like S. K. Parekh, by Krishna Kotak who is a Director of M/s. J. M. Baxi & Co. Even witness S. Surendranathan does not specifically deny the control and supervision of the Mr. Chatterjee and Mr. Shetty on behalf of M/s. J. M. Baxi & Co. on the workers involved in the reference, question arises how workmen can be said not workers of M/s. J. M. Baxi & Co. and workmen of Western Starline Pvt. Ltd.? Here union claims that, there was a bogus agreement between M/s. J. M. Baxi & Co. and Western Starlines Pvt. Ltd., Infact said agreement is not brought on record which empower M/s. J. M. Baxi & Co. to say that they really asked Western Starline to supply the services of workers. Moreover documents produced by union in xerox form with Ex-15 more precisely Ex-15/1 bears the seal of M/s. J. M. Baxi & Co. Same is the position with document produce with 15/3-9 and that fact is not disputed by M/s. J. M. Baxi & Co. Besides, this document does not reveal the name of the contractor on the contract. On the right upper portion of wage slip produced from pages 1—9 with Ex-15 bears the seal of the M/s. J. M. Baxi & Co. Besides documents produced with Exs. 15/11 & 12 is on the letter head of M/s. J. M. Baxi & Co. Even copy of attendance register produced with 15/13 bears seal/signature of M/s.. J. M. Baxi & Co. No doubt Vice President, Shri J. Sawant entered into settlement with Western Starline. Still he explains that he entered into settlement with Western Starline for the benefit of the workers. Besides letter produced with Ex-15/16 addressed to Krishna Kotak by J. H. Sawant reveals that, he brought that settlement in the notice of Krishna Kotak who is Director of M/s. J. M. Baxi & Co. When M/s. J. M. Baxi & Co. is not concerned with these workers as claimed by first party then how M/s. J. M. Baxi & Co. was controlling activities of Western Starline and how it was looking after activities of Western Starlines ? So according to me all these reveals that, Western Star line is a name lending agency brought on record just to show that, M/s. J. M. Baxi & Co. is not concerned with the employees and the employees cannot claim any relief against M/s. J. M. Baxi & Co. If at all M/s. J. M. Baxi & Co. entered into agreement with Western Starline, then question arises why such type of agreement is not on record ? So all these reveals that the employees involved in the reference are the direct employees of M/s. J. M. Baxi & Co. and not concerned with M/s.. Western Starline Pvt. Ltd. It also reveals that, there was no genuine agreement of arrangement between M/s. J. M. Baxi & Co. and Western Starline. Actually it reveals that, so called arrangement between these two was sham bogus and camouflage arrangement just to deprive the rights and benefits to these workers so I answer these issues to that effect.

Issue Nos. 4 & 5 :

15. In this reference at the instance of M/s. J. M. Baxi & Co. it is alleged that, Western Starline terminated the service of these workmen. But actually evidence brought on record reveals that, there is no separate entity by name Western Starline Pvt. Ltd. who has independent business of supplying labours like this to M/s. J. M. Baxi & Co. On the contrary so called paper arrangement (which is also not on record) is an arrangement appears made by M/s. J. M. Baxi & Co. itself by bringing Western Starline in picture to deprive the workers to claim their relation with M/s. J. M. Baxi & C0. So no action was taken by M/s. J. M. Baxi & Co. directly but it took said action of termination through Western Starline. So we have to presume that, said action is not an action of Western Starline but is an action of M/s. J. M. Baxi & Co. itself.

16. Now we have to see whether there was reason to terminate these employees ? Case of the M/s. J. M. Baxi & Co. is that there was no work available since bulk cargo which was receiving in the JNPT reduced by 50%. They unable to supply work to the workers and so instructed Western Starline not to send these workers on work.

17. Actually as far as so called understanding between M/s. J. M. Baxi & Co. with Western Starline is concerned, is not brought on record in any form except verbal statement so we cannot accept that Western Starline was working for M/s. J. M. Baxi & Co. or was supplying the labours involved in the reference to M/s. J. M. Baxi & Co.

18. If we see the position of reduction of bulk cargo by 50% in the JNPT as per case made out by first party which was the main reason of M/s. J. M. Baxi & Co. in terminating these employees, we find that though there was reduction in fertilizer traffic to the extend of 50%, there was growth to the extend of 37.32% in liquid cargo which may reach upto 30 lakhs (3 million) by end of year 2001. Besides to show there is reduction in bulk fertilizer traffic no any authentic record is produced by M/s. J. M. Baxi & Co. to prove it. The evidence produced by M/s. J. M. Baxi & Co. through witness no. 2, S. Surendranath is in the form of xerox copies. No other written evidence is brought or called by M/s. J. M. Baxi & Co. from JNPT to show they have good ground to terminate service of these workers. Just they rely on xerox copies which are not authentic one which are not supported by any other evidence. So the main ground taken by M/s. J. M. Baxi & Co. of reduction in bulk cargo by 50% and more is not at all proved to conclude that, no work is available with M/s. J. M. Baxi & Co.

19. Besides, Western Starline did not lead any evidence and pointed out by which correspondence

M/s. J. M. Baxi & Co. instructed it not to send these workers on work. It is also not pointed out by any of them as to how they decided to take action against these workers of these type making ground of no work. On the contrary Western Starline did not lead any evidence. It reveals that, it want to hit the workers by putting gun on the shoulder of M/s. J. M. Baxi & Co. and at the same time M/s. J. M. Baxi & Co. also acting like that and want to hit workers by putting gun on Western Starline. Initially M/s. J. M. Baxi & Co. and Western Starline did not establish that they entered into any particular arrangement and agreement which empower Western Starline to supply workers of these type and they have supplied workers to M/s. J. M. Baxi & Co. on that basis. Besides both have not shown what is the reason behind terminating the service of these workers. The reason shown by Western Starlines of instruction of M/s. J. M. Baxi & Co. is not supported by leading evidence by any of them. So all these lead to conclude that, Western Starlines in the guise of instruction given by M/s. J. M. Baxi & Co. of termination under the challenge is not legal and justified. So I answer these issues to that effect.

Issue No. 6 :

20. When M/s J. M. Baxi & Co. as well as Western Starlines fails to prove that, they have reason to terminate service of these workers, in my considered view, they required to reinstate. It is matter of record that these workers are not working with neither with M/s. J. M. Baxi & Co. nor with Western Starline Pvt. Ltd. from the date of termination i.e. workers mentioned from Sl. Nos. 1 to 72 w.e.f. 1-4-2001 and from Sl. Nos. 73 to 76 w.e.f. 3-10-2000. It is also matter of record that, both these companies failed to establish that they have good reason to terminate the services of these workers. No case is made out by both parties i.e. by union that workers are without job.and by both companies that workers involved in the reference are doing job and are in gainful employment. When both are silent on gainful employment, in my considered view, I feel order of reinstatement with 25% back wages will meet the ends of justice hence the order :

ORDER

(i) Reference is partly allowed.

(ii) M/s J. M. Baxi & Co is directed to reinstate these workers by giving benefit of backwages to the extent of 25% from the date of reference till they are reinstated.

Date : 18-3-2008 A. A. LAD, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1492.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बम्बई पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआई टी 2/36/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-31012/5/1997-आई आर (एम)]
कमल बाखरु, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1492.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-2/36/2007) of Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bombay Port Trust and their workman, which was received by the Central Government on 29-5-2008.

[No. L-31012/5/1997-IR (M)]
KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

A. A. Lad, Presiding Officer

Reference No. CGIT-2/36 of 2007
(Old Ref. No. CGIT-1/54 of 1997)

Employers in relation to the management of Bombay Port Trust

The Chairman,
Bombay Port Trust, Ballard Estate,
Mumbai ...1st Party

AND

Their Workmen

Shri Gunaji Bhikaji Masavkar,
Sonaji Nagar, Chawl No. 2, Room No. 2,
Mumbra, Distt. Thane ... 2nd Party

APPEARANCE :

For the Employer : Mr. M. B. Anchan, Advocate.

For the Workmen : Mr. Jaiprakash Sawant, Advocate.

Date of reserving Award : 31-1-2008
Date of passing of Award : 9-4-2008

AWARD

The matrix of the facts as culled out from the proceedings are as under :

1. The Government of India, Ministry of Labour by its Order No. L-31012/5/97-IR (Misc.) dated 30th June,

1997 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

> "Whether the action of the Management of Bombay Port Trust in dismissing the services of Shri Gunaji Bhikaji Masavkar is justified ? If not, to what relief the workman is entitled ?"

2. 2nd Party in support of his demand has filed Claim Statement at Exhibit 3 stating that, the Docks Manager, M.P. placed the Workman under suspension by his order dated 24h July, 1987 on the ground that a criminal case against him was under trial. The criminal case referred in the charge-sheet ended in clear acquittal. The Workman requested the 1st Party, Management to reinstate him in service with full back wages and other benefits enclosing a copy of the judgment of the criminal Court. 1st Party, Management has initiated a departmental enquiry on the basis of the charge-sheet to the effect that he has committed theft of film rolls. It was alleged that, the Workman has committed misconduct punishable under Rule 22(2)(b) of the BPT Rules and misconduct in violation of Regulation 3(1) of the BPT Employees Conduct Regulations. The workman participated in the enquiry. None of the witnesses supported 1st Party, the Management, but yet the Enquiry Officer gave his finding that the charge against the workman was established. The workman brought to the notice of the Disciplinary Authority as well as the Appellate authority that the Criminal Court has acquitted the workman on the same charge and evidence, but the Authorities in colourable exercise of their powers imposed the punishment of dismissal of the Workman w.e.f. 23-8-1991.

3. The 1st Party, management in their Written Statement contended at Exhibit 5 that, on 17-2-1987 at about 11.00 a.m. Mr. Naik, Assistant Shed Superintendent noticed at Shed No. 17 some empty cartons on the North side of 'F' Bay. He informed the same to the Police Constable No. 9341 and asked him to inform the Yellow Gate Police Station. On checking it was found that, the pallet containing the film rolls was a part of the consignment of item No. 18 of the vessel 'BOIZENBURG'. It was also found that 2011 rolls of film were missing. The Police arrested the 2nd Party and others. On 28th February, 1987 Mr. Rajihira has stated that, he alongwith Mr. Ashok Chavan, Keshav Mhatre and Ramesh Jadhav had stolen film rolls on 15-2-1987 from Shed No. 17 and volunteered to show the shop and the person to whom Ashok sold the same. He also led the Police party and pointed one person by name Mr. Roshanlal Ganelal Jain at Ruby Chambers Building, Fort Market, Roshanlal produced one gunny bag containing 7 boxes, each box containing 100 film rolls and they have been recovered on 27-6-1987. The workman herein in the presence of panchas stated that, he along with Ghag, Ashok Chavan, and others had stolen six boxes containing film rolls. He also led the police and panchas to Room No. 13, Building No. 4/16, 1st floor, M. K. Amin Marg and pointed a person by name Gopal Sinha. Gopal Sinha produced one big size card board box containing 14 packets each containing 10 film rolls and 8 pieces of film rolls. He also produced 5 card board boxes each containing 100 film rolls, made in Germany. Since the Workman was involved in a theft case he was also charge-sheeted before the Metropolitan Magistrate. The Port Trust also issued a charge-sheet and conducted enquiry: Opportunity was given to the Workman following the principles of natural justice. After enquiry, the enquiry officer has given a finding that the charge against the workman has been proved. The disciplinary authority and the appellate authority applied their mind while taking action against the employee and they accepted the findings of the Enquiry Officer. Therefore, he was dismissed from service. The workman is not entitled to any relief.

4. In view of the above pleadings my Ld. Predecessor passed Part I Award on the point of fairness of the enquiry and on the findings of the Enquiry Officer and then second time i.e. by Award—Part-II on the point of what relief the Workman is entitled ?

5. Both Awards were in favour of the Workman. Said were challenged by the 1st Party by filing Writ Petition No. 3185 of 2004 and while disposing of the said Writ Petition the Hon'ble High Court, observed following things about the findings given by this Tribunal on the enquiry and on the findings as well as on the action taken by the Management on the point of the demand of the 2nd Party Workman. The observations were as follows :

> "In my view, in the present case, the CGIT has erred in coming to the conclusion that in view of the acquittal of the accused in the criminal case, the disciplinary enquiry was liable to be dropped and that since the accused was acquitted and the material which was used against the respondent in the departmental proceedings was the same material which was placed before the Criminal Court. The CGIT further erred in holding that in such circumstances, it was not upon for the Disciplinary Authority to take a contrary view. It would be relevant to reproduce the exact finding of the Tribunal.
>
> "8. It is seen from the record workman Mr. Masavkar along with nine others were charge-sheeted vide 397/P of 1997 under Section 380 read with 114 of Indian Penal Code and were acquitted by the Additional Chief Metropolitan Magistrate, 38th Court, Ballard Pier, Bombay, on 23rd October 89. Their Lordships of the Bombay High Court in Chandrakant Raoji Gaonkar vs. Bombay Port Trust

and Ors. 1995 I CLR 860, ruled that Hon'ble acquittal in the criminal case on the merits, if charges in criminal case and disciplinary proceedings are common, effect of acquittal in criminal case warrants the dropping of disciplinary inquiry. In Abdul Hakim Ahmed vs. District Superintendent of Police 1978 CLR. Their Lordships of the Gujarat High Court held that on the basis of the same material and on the basis of re-appreciation of same evidence which was there before the criminal court, without anything more it is not open to the disciplinary authority to take contrary view and if this is permitted then it would render the judicial system nugatory."

In my view, the Tribunal clearly has committed an error of law which is apparent on the face of record. The Apex Court in the case of Commissioner of Police, Delhi (supra) has observed in the said judgment that the confession by an accused was admissible even in departmental proceedings. In view of the said ratio laid down by the Apex Court, in my view, CGIT ought to have taken into consideration the evidence on record and thereafter could have recorded its findings after appreciating the said statement which was recorded by the Police under Section 27 of the Evidence Act. The CGIT, therefore, has erred in neglecting the statement merely because it was recorded under Section 27 of the Evidence Act. It has also erred in neglecting the evidence of Inspector who had carried out the investigation in the criminal case. In my view, therefore, the Awards Part I and II passed by the CGIT are liable to be set aside. The Tribunal has recorded a finding that the inquiry which was held was fair and proper. It has, however, proceeded to record a finding that the finding of the Enquiry Officer was perverse. This finding which has been given in Part I Award will have to be set aside. Similarly, the Part II Award also will have to be set aside. The matter will have to be remanded back to the CGIT so that it made decide the said reference on the basis of evidence which is already adduced by both the parties and which is on record and thereafter, record its findings after taking into consideration the ratio of the judgment in the case of Commissioner of Police, Delhi (supra) and Ajit Kumar Nag (supra) on merits and in accordance with law.

It is clarified that both the parties will not be permitted to lead any further evidence and that the Presiding Officer, CGIT, shall decide the said issues on the material which is already on record. It is clarified that CGIT shall also take into consideration the evidence which has been held in the inquiry before the Disciplinary Authority. Since the evidence is already on record and the parties are not permitted to lead any further evidence, the CGIT shall decide the said issues."

6. In view of this position on the basis of the observations made by our Hon'ble High Court while disposing of the Writ Petition No. 3185 of 2004 I have to consider the following Issues, which I answer as follows :

Issues	Answer
1. Whether the findings of the Enquiry Officer are perverse ?	No
2. Whether punishment awarded of dismissal is just and proper ?	Yes
3. What order ?	As per order below

REASONS

Issue No. 1 :

7. As far as Enquiry is concerned, now at this stage it is not necessary to comment on the enquiry and the procedure followed by the Enquiry Officer. While deciding Part-I Award opportunity was given to the Management to lead evidence and prove its case. While passing Award Part-I my Ld. Predecessor observed enquiry not fair and proper and finding perverse. Then again opportunity was given to the management to lead evidence to show how, their act and how the decision taken by it was just and proper. While deciding that point also my Ld. Predecessor observed that the action of the BPT in dismissing the concerned Workman Shri Masavkar is unjust and improper and directed to reinstate the concerned Workman. It is a matter of record that, the concerned workman is in the employment and the Hon'ble High Court while disposing of the Writ Petition No. 3185 of 2004 did not interfere with that order and gave protection to the workman till CGIT decides this Reference as per directions given in the order dated 26th June, 2007.

8. Now, as per observations, if we peruse the findings as per the directions given by the Hon'ble High Court in Writ Petition No. 3185 of 2004 and if we peruse the proceedings of the enquiry which is on the record in the form of the copy of it, we find, it is filed by Mb. P.T. at Exhibit 7. In the said enquiry, Inquiry Officer has recorded evidence of Sub-Inspector Mr. Thomas F.D'Souza who was Investing Officer in that criminal case and who arrested concerned workman involved in the Reference. In the evidence he stated that, during the course of investigations he found that, concerned Workman with the help of other employees made efforts to commit theft of the Pallet film rolls from Shed No. 17 which is situated near Gate No. 17. He states that, he made efforts to trace the concerned workman by visiting his local address and also by visiting his native place. However, he could not

trace the concerned workman. He states that, on 26th June, 1987 he traced the concerned workman in Thane District and brought him to Mumbai and he detained him and kept him under interrogation. He states before Inquiry Officer that, on 27th June, 1987 he was placed on remand and on the same day he made voluntary statement under Section 27 of Criminal Procedure Code saying that, he along with Harishchandra Tukaram Ghag, Ashok Chavan and 6 others committed theft of Pallet film rolls from Shed No. 17 on 15-2-1987 and volunteered that he will point out those boxes and the shopkeeper and place of that shop to whom it was sold. Accordingly Panchnama to that effect was drawn by this Investigation officer Mr. Thomas F.D'Souza. He further states that, accused led him to one shop by name Mahalaxmi Steel Emporium at Bora Bazar, Mumbai and asked one Gopalsinha to produce the articles sold by them. Accordingly said Shop owner produced six card board boxes containing pallet film rolls when counted they were totaling to 648 film rolls. Said card board boxes alongwith film rolls were taken into custody with the help of concerned workman and statement of Gopalsinha, Shopkeeper was recorded and afterwards a case was filed against the concerned workman along with others. In the cross said witness before Enquiry officer stick with his deposition and case made by him. Except giving suggestions to that witness, no specific case is put up by the Defence Counsel of the concerned Workman. So from the witnesses examined before the Enquiry Officer we find this workman was involved and police were having evidence against him. He denied the suggestion of the Defence Counsel before the Inquiry Officer. Hon'ble High Court observed that, evidence recorded before Inquiry Officer of this type ought to have been considered by the CGIT relying on the ratio published in AIR 2006 SC page 1800 laid while deciding the case of Police Commissioner, Delhi V/s. Narendra Singh. In that case (Supra) also the accused made confession and had pointed out the place where he allegedly concealed 2 revolvers and one pistol. In that case it was not suggested that, no question was put to the witnesses saying that, said document is forged or fabricated. The order was passed by the Magistrate after four years from the date of the institution of the case. Even in that case (supra) said Accused did not complain about writing taken from him by the Investigating Officer. Besides Hon'ble High Court while deciding said Writ Petition No. 3185 of 2004 observed that, deciding case by Criminal Court which is Court of law is different in nature than deciding the case by the Tribunal on the basis of the enquiry conducted by the Department. Police in the enquiry records the statement of the Accused and also the statements of the witnesses with the help of Panchas and that, the Police tries to find out who is the real culprit and who is the real accused and try to give justice to victim. There is direct access and approach to the Police with the public at large in the guise of investigation. To have precaution, the Evidence Act is there and so statement recorded by Police in the investigation generally is not acceptable unless it is corroborated by the witnesses before the Court of Law to take care that police should not instrument anybody under that investigating power. Whereas the forum like Tribunal is different and it cannot equate with the case which is conducted before the Court of law. In the domestic enquiry provisions of the Indian Evidence Act are not strictly followed as followed in the Court of law. Tribunal is a Court of adjudication. Whereas enquiry is a sort of enquiry conducted by the Department where, procedure of Indian Evidence Act are not admittedly followed. The role of the Inquiry Officer is at the most at par with the investigation machinery which includes police conducting investigation under Criminal Procedure Code and submit the charge-sheet. But the inquiry is conducted by giving an opportunity to both and that Inquiry Officer submits its findings to the Management who then think over it and decides what decision can be taken ? So the provisions of Indian Evidence Act are not strictly followed in the domestic enquiry and relying on the ratio laid in Commissioner of Police, Delhi vs. Narendra & Ors. AIR 2006 SC page 1800 (Supra) and with the help of this same weight is required to be given to the evidence of the investigation officer who has stated before the Enquiry Officer that, he arrested this workman, recover stolen articles at his information and recovered those from the shop shown by this workman. He further states that the concerned workman led him to the shop at Bora Bazar from where the articles were recovered. It is to be noted that Sub-Inspector Mr. Thomas F. D'Souza investigated the matter and filed charge-sheet against this workman along with others. Even he deposed to that effect in the Criminal Court. But Criminal Court did not rely only on his deposition as it was not corroborated by Panchas who turned hostile. There criminal trials which ultimately resulted in acquittal. Even copy of that judgment is produced where Criminal Court observed that "prosecution has not proved case beyond reasonable doubt" and acquitted this workman. Here Inquiry Officer recorded evidence of Sub-Inspector Mr. Thomas F. D'Souza who was the Government officer and investigating officer in criminal case. He arrested this workman and filed charge-sheet. Even this workman was charge-sheeted prosecuted. But unfortunately evidences recorded by the Enquiry Officer of Sub-Inspector Mr. Thomas F. D'Souza was not considered while passing Part I Award and as observed by the Hon'ble High Court, evidence recorded of Sub-Inspector Mr. Thomas F. D'Souza, in the investigation and given by him in the inquiry was not considered observing it was not considered by the Criminal Court observing that no sufficient evidence was there to convict this workman. Here there was evidence of sub-inspector like this, who had stated before the Inquiry Officer that, he arrested this workman and charge-sheeted him. He also made a voluntary statement before him that, with the

help of others he committed theft and sold the rolls in Bora Bazar. He also led them and asked that shop owner to produce the said rolls from the shop which is sufficient to prove that, this workman has nexus and was concerned with that theft. This proves that, the Enquiry Officer having evidence to observe that charges levelled against the concerned workman were proved. Discussing the evidence and relying on that, Inquiry Officer concluded to that effect. He also considered evidence of this witness specifically and relying on it observed "charges levelled against concerned workman were proved."

9. When charges stand proved against concerned workman and the Enquiry Officer was having evidence to that effect in my considered view one has to observe that findings of the Enquiry Officer were just and proper and does not require any interference. So I answer this Issue to that effect as I do not find that said evidence of Sub-Inspector Mr. Thomas F. D'Souza is not just and sufficient to conclude that, Enquiry Officer was having no reason to hold concerned workman guilty of the charges levelled against him. So I observe concerned workman is guilty of the charges levelled against him.

Issue No. 2 :

10. On the basis of the evidence Inquiry Officer submitted his report. It was accepted by the Management and Management took action of dismissal. If we consider the nature of the offence and the evidence, we find, it is serious offence done by the concerned workman which is also proved against the concerned workman. When said offence is of such a serious nature, and when it proved in my considered view to give warning to others and signal to that effect to others, in the institute like Port Trust which is rather public body is wanted so that others will take lesson of it. In fact concerned workman was the custodian of said articles. However, he himself with the help of others committed theft of it and sold it in the market to gain something against his duty for which he was posted and paid by first party. Hence, when such an act is proved, in my considered view, punishment awarded of dismissal which is challenged by the concerned workman is just and proper and does not require any interference.

11. This Reference was sent by the Government of India, Ministry of Labour, New Delhi in the year 1997. As per the order of this Tribunal the said workman is getting benefits as Hon'ble High Court has protected him by saying that, "said workman is entitled to get benefits till this Tribunal decides this Reference". According to me, when offence which is of a serious nature and which is proved against the concerned workman, in my considered view the said workman now is not entitled for the said protection. Hence, the order :

ORDER

Reference is rejected with no order as to its costs.

Mumbai,
9th April, 2008 A. A. LAD, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1493.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जवाहरलाल नेहरू पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआई टी 2/78/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-31011/18/2002-आई आर (एम)]
कमल बाखरु, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1493.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-2/78/2002) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Jawaharlal Nehru Port Trust and their workman, which was received by the Central Government on 29-5-2008.

[No. L-31011/18/2002-IR (M)]
KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI

PRESENT :

A. A. Lad, Presiding Officer.

Reference No. CGIT-2/78 of 2002

Employers in relation to the management of Jawaharlal Nehru Port Trust

The Chairman,
Jawaharlal Nehru Port Trust,
Nhava-Seva Bunder,
Navi Mumbai-400 707.

V/s.

Their Workmen

(1) The General Secretary,
Nhava Sheva Port & General Workers Union,
Port Trust Kamgar Sadan, 2nd floor,
Nawab Tank Road, Mazgaon,
Mumbai-400 010

(2) The General Secretary,
Nhava Sheva Bunder Kamgar Sanghatana (Antargat),
64, Shopping Centre, 1st floor,
JNPT Township, Uran,
Navi Mumbai-400 707

(3) The President,
Transport & Dock Workers Union
P.D'mello Bhavan,
P. D'mello Road,
Carnac Bunder,
Mumbai-400 038

APPEARANCES :

For the Employer : Mr. L.L.D'Souza, Representative

For the Workman :

Union (1) : Mr. J. H. Sawant, Representative.

Union (2) : Mr. Bhushan N. Patil, Representative

Union (3) : Mr. Bote Patil, Representative

Mumbai, dated the 19th March, 2008

AWARD

The Government of India, Ministry of Labour by its Order No. L-31011/18/2002/IR(M) dated 1-11-2002 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

"Whether the proposed action of the management of JNPT to convert the Bulk Terminal into Container Terminal on BOT (Build, Operate and Transfer) basis and not by JNPT itself or through joint venture with other major ports like MbPT is justified ? If not, what relief the concerned workmen are entitled to ?"

2. Claim statement is filed by union at Ex-6 making out case that it was mandatory and obligatory on the part of management to carry out the services and activities as enumerated under Section 42 of the Major Port Trust Act, 1963 departmentally instead of allowing others to carry out its statutory activities. The proposed action of management of JNPT to convert bulk terminal in to container terminal on Build, Operate and Transfer basis and not by JNPT itself is illegal, unjustified and does not require to be maintained. According to union, JNPT is statutory and autonomous body. The decision taken by it in allowing other private employers including foreigners to undertake such business in India in the premises of JNPT is against the interest of nation and against the Constitution. So it is prayed that, decision taken by JNPT in converting bulk terminal in to container terminal and continuing same in BOT basis and not by JNPT itself through joint venture with other major posts like MbPT is not justified.

3. This is disputed by first party i.e. JNPT by filing Written Statement at Ex-10 saying that decision taken by it is just and proper and does not require interference.

4. Issues are framed at Ex-12 and matter was placed for recording evidence. Mean while both parties requested to keep this matter for conciliation in Lok Adalat. By filing purshis Ex-29, they prayed to dispose of the reference mentioning that they will take appropriate steps as and when required.

5. In view of Ex-29 filed in the Lok Adalat, reference is disposed of hence the order.

ORDER

In view of Ex-29, reference is disposed in Lok Adalat.

Dated : 19-3-2008 A. A. LAD, Presiding Officer

Exh. No. 29

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

Reference No. CGIT-2/78 of 2002

Employers in relation to the management of Jawaharlal Nehru Port Trust ...First Party

V/s.

Their workmen represented by three Union ....Second Party

APPLICATION FOR DISPOSAL OF THE REFERENCE FOR WANT OF PROSECUTION

MAY IT PLEASE YOUR HONOUR

The Unions representing the Second Party hereby apply for disposal of the above Reference for want of prosecution. The Unions may take appropriate steps at an appropriate time as and when required. This Hon'ble Tribunal may be pleased to allow this application and oblige.

Mumbai,
Datee : 19-3-2008

Sd/-

1. (Jaiprakash Sawant)
Vice President
Nhava Sheva Port and General Workers Union

Sd/- (illegible)

2. Nhava Sheva Bunder Kamgar Sanghatana

Sd/-

3. (A. Y. Botrpatri),
Secretary,
Transport and Dock Workers Union

For Second Party-workmen

No objection

Sd/-
(Ganesh Naidu)

Respondent due for First Party JNPT

नई दिल्ली, 29 मई, 2008

का. आ. 1494.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी., देहरादून के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय II, नई दिल्ली के पंचाट (संदर्भ संख्या आई.डी. सं.-121/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-30012/9/1993-आई आर (एम.)]
कमल बाखरु, डैस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1494.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. No. 121/1994) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of ONGC, Dehradun and their workman, which was received by the Central Government on 29-5-2008.

[No. L-30012/9/1993-IR (M)]
KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

R. N. Rai, Presiding Officer
I. D. No. 121/1994

In the matter of :

Sh. Manohar lal,
S/o Sh. Budh Singh,
R/o 68 D. L. Road,
Dehradun-248 001. — Claimant

Versus

The Chairman,
ONGC, Tel Bhawan,
Dehradun-248 001. — Respondents

AWARD

The Ministry of Labour by its letter No. L-30012/9/1993 IR (Misc) Coal-I Central Government Dt. 26-10-1994 has referred the following point for adjudication :

The point runs as hereunder :—

"Whether the action of the management of ONGC in terminating the services of Sh. Manohar Lal S/o Sh. Budh Singh, Ex. Daily wage helper w.e.f. is legal and justified ? If not, what relief the workman is entitled to ?"

The case of the workman is that he was engaged by respondent on 1-1-1989 as daily wager helper in the Civil Engineering Department in Dehradun.

That he performed 240 days duties in the year 1989, 1990 and 1991 and he was illegally retrenched on 17-8-1992 without payment of retrenchment compensation and one month's pay in lieu of notice.

That the workman worked on the post of permanent nature and services of such workmen are still required by the management.

That after retrenching the workman illegally on 18-8-1992 the management had engaged another workman at his place and he discharged the work which the workman was discharging.

That the respondents have infringed the provisions of Section 25 F, G & H. That the workman has been removed with malafide intention that he will be engaged permanently.

The case of the management is that the workman was never employed by the management in any of his department in any capacity whatsoever. There never existed the relationship of employer and employee between the respondent and the workman.

That the applicant is not a workman as defined under Section 2(s) of the ID Act, 1947.

That the workman might have been engaged by any one of the contractors to whom the contract for Civil Engineering work was awarded.

That the workman has not performed any duty for 240 days in any of the mentioned years. There is no question of termination of the services of this workman as the workman was never in employment of the management.

That the workman was neither employed by the respondent nor his services were terminated by the respondent.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he has worked continuously for 240 days from 1989 to 1992. He has been retrenched in violation of provisions of Section 25-F, G & H of the ID Act, 1947.

It was submitted from the side of the management that there was no employer and employee relationship between the respondent and workman. The workman may have been engaged by the contractors as contract was awarded for such type of job.

The workman has annexed with the record 10 temporary entry passes which contain his photo and it has been issued on the proforma of temporary entry passes. He has filed judgement of CGIT, Guwahati. He has annexed a chart of his working days. It is typed on plain paper and he has shown that he has worked for 365 days in the year 1990 and 1991. This chart is a waste paper as no workman will work for 365 days in a year.

The workman has not filed any other document to show that he has worked under the control and supervision of the management and he received payment from the management whereas the management has filed documents which show that the workman was working as contract labour with M/s S. C. Sharma and he was issued photo passes on 8-1-1990 which was renewed up to 31-8-1992. The management has filed contract agreement and documents of payment made to the contractor. The documents from page no. 129 to 225 are photocopies. They relate to the contract agreement and payment made to the several contractors in the relevant period of the workman.

The workman has not filed any document to prove that he has worked under the direct control and supervision of the management. The management has filed contract agreement from 1989 to 1992. These documents establish that the contractors engaged labours and payment to them have been made.

Except of the photo passes which have been issued by the contractors, the workman has not filed any other document to prove his statement that he has worked under the direct control and supervision of the management.

The workman was engaged through contractors. He worked under the control of the contractor and payment to him was made by the contractor. So there is no employer and employee relationship between the respondent and the workman. The workman is not entitled to get any relief.

The reference is replied thus :

The action of the management of ONGC in terminating the services of Sh. Manohar Lal S/o Sh. Budh Singh, Ex. Daily wage helper w.e.f. is legal and justified. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Dated : 8-5-2008 R. N. RAI, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1495.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. पी. सी. एल., नई दिल्ली के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय II, नई दिल्ली के पंचाट (संदर्भ संख्या आई.डी. सं.-26/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-30012/149/2000-आई आर (एम.)]
कमल बाखरु, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1495.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. No. 26/2001) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BPCL, New Delhi and their workman, which was received by the Central Government on 29-5-2008.

[No. L-30012/149/2000-IR (M)]
KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

R. N. Rai, Presiding Officer

I. D. No. 26/2001

In the matter of :

Sh. Gopal Sharma,
R/o RZ/P-212, Raj Nagar-II,
Palam Colony, P Block,
Near Baghdola Dwarka,
Sector-8, New Delhi-45. — Claimant

Versus

M/s. BPCL,
C/o ECE House, 28 A,
Kasturba Gandhi Marg,
New Delhi-110 045. — Respondents

AWARD

The Ministry of Labour by its letter No. L-30012/149/2000-IR(M) Central Government Dt. 2-3-2001 has referred the following point for adjudication :

The point runs as hereunder :—

"Whether the action of the management of BPCL in dismissing the workman Sh. Gopal Sharma

w.e.f. 18-1-1989 is just and legal ? If not, what relief the said workman is entitled to and from what date ? Whether Sh. Gopal Sharma is entitled for any relief for the period from 18-1-1989 to 1-5-2000 or not."

The case of the workman is that he was appointed by the BPCL on 28-9-1989 being an Ex. Serviceman and was given temporary appointment which was later confirmed on 1-10-1981 through SOO Agra as Heavy Vehicle Driver, Grade-II.

That the workman was dismissed from service based on cooked up and concocted charges consequent to serving of charge-sheet/show cause notice dated 14-7-1988 and finalization of inquiry.

That the charges were of cock and bull story and was directed to stifle the worker as a Joint Secretary of the union he was their mouthpiece for raising various grievances. The petitioner was also forced to highlight various acts of the management which were unwarranted and highhandedness. The management was annoyed with the petitioner by raising the voice against the management. The management could not involve the workman being a protracted workman so a cooked up charge-sheet was served. Principles of natural justice have not been followed. The Inquiry Officer acted with prejudiced mind and the DA awarded the punishment of dismissal with a closed mind without considering the representation of the workman.

The case of the management is that the workman was not wrongly dismissed on cooked up and concocted charges. It was submitted that Sh. Gopal Sharma was the Driver of the Tank Lorry No. DT-348 (18 KL Capacity) and Sh. Sohan Lal was working in the capacity of a cleaner on Tank Lorry No. DT 348. On 18-4-1988 after delivering 18 KL of Motor spirit to M/s. Modern Service Station in their first trip, they reported back to Bijwasan Installation at about 1430 hours for the second trip. They were then directed to have the Tank Lorry No. DT-348 filled with 18 KL Motor spirit for delivery of 9 KL each at M/s. Mann Service Station and M/s. Shanker Marge Filling Station vide cash memo Nos. 089780 and 089781 respectively.

After filling the Tank Lorry as directed, they left the installation with the loaded Tank Lorry. Just outside the main gate of the installation, two Senior Operations Officers, namely Shi A. K. Madan and Shri M. S. Rohilla asked them to stop the Tank Lorry for a surprise check. Thereupon Shri Gopal Sharma stopped the Tank Lorry. While carrying out the checking, the aforesaid Officers asked Shri Gopal Sharma to unlock the Tool-Box which was in the cabin of the aforesaid Tank Lorry. However, Shri Gopal Sharma did not hand over the keys of the Tool-Box. Thereafter, he was asked to take the Tank Lorry inside the installation for detailed checking. Shri Gopal Sharma brought back the Tank Lorry No. DT-348 inside the installation and he was directed by Shri S. A. Nainar, Deputy Manager, Bijwasan Installation to unlock the tool-box. But Shri Gopal Sharma ordered that the lock of the tool-box be broken. However, before the lock could be broken, Sh. Gopal Sharma handed over the keys to Shri A. K. Rana, Tallyman, in the presence of Shri S. A. Nainar, Shri A. K. Madan, Shri M. S. Rohilla, Shri Mayank Malviya, Shri S. K. Malviya, Shri Jagdish Chand (Watchman), Shri Kartar Singh (Watchman) and Shri Dilip Kumar (Fitter) and after opening the tool-box, three black coloured plastic jerry cans of about 20 litre capacity each, filled with Motor Spirit were recovered from the tool-box of the aforesaid Tank Lorry No. DT-348, with the intentions of committing theft and therefore, they have committed the following acts of misconduct :—

(a) Theft, fraud or dishonesty in connection with the Corporation's property.

(b) Possessing and keeping inside the cabin of the Tank Lorry highly inflammable material which is violative of the provisions of the Petroleum Act.

They were called upon to submit their written explanations, vide show-cause notice dated 28th April, 1988. S/Shri Gopal Sharma and Sohan Lal submitted their written explanations, vide letters dated 3rd May, 1988. which were not considered satisfactory and therefore, they were charge-sheeted vide letters dated 14th July, 1988. Thereafter, a fair and proper domestic enquiry was held in accordance with the principles of natural justice. Since the charges leveled against Sh. Gopal Sharma, were proved in the domestic enquiry, he was dismissed from the services of the Corporation vide Order dated 18-1-1989, after considering the gravity of misconduct committed by him and the fact that there were no extenuating circumstance to take a lenient view in the matter. Thus it is to be seen that the action of the Management in terminating the services of Shri Gopal Sharma/the applicant is fair, legal, just and proper.

It is further submitted that the enquiry proceedings initiated against the Applicant in respect of charges leveled against him, vide Charge-sheet dated 14-7-1988, were held strictly in accordance with the principles of natural justice and the Applicant was accorded full opportunity to defend himself effectively. The Enquiry Officer, had, vide his report dated 3-10-1988 held the Applicant guilty in respect of the charges leveled against him.

Since the charge leveled and proved against the Applicant were major misconduct, warranting punishment of dismissal and since there were no extenuating circumstances to take a lenient view or to mitigate the punishment of dismissal or to award any other punishment, the Management had no other option but to

dismiss the Applicant from the services of the Corporation. Accordingly, the Applicant was dismissed from the services of the Corporation, vide Order dated 18-1-1989. Thus, the action of the Management in dismissing the Applicant is legal, proper and justified, hence, the Applicant is not entitled to claim any relief, whatsoever, including claim for reinstatement with continuity of service and back wages, as alleged.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that the charges were cooked up. The inquiry was not conducted fairly and the management with malafide intention did not follow the proper procedure in conducting inquiry. He was a protected workman and he raised his voice against corruption of the management, so the management was annoyed and the Inquiry Officer and the DA were pre-determined to dismiss the workman.

It was submitted from the side of the management that the workman was given proper opportunity in the inquiry. He cross-examined all the witnesses. He was also given opportunity to lead his own evidence. The Inquiry Officer after proper analysis of evidence held the charges proved. The DA after considering the representation of the workman awarded the punishment of dismissal as the offence was grave.

The workman has examined his authorized representative Sh. Y. N. Puri in the court. He has stated in his cross-examination that the workman had participated in the inquiry but he participated under protest. He was Joint Secretary, Bharat Petroleum Karamchari Union. He has further stated that the workman might have been supplied copy of the day to day proceedings by the Inquiry Officer. He cannot say whether the workman was allowed to lead evidence in the inquiry. He has also stated that he could not say whether the workman was given opportunity to file written submission. He has also stated that he was given adequate opportunity of being heard by the Inquiry Officer. The report of the Inquiry Officer was furnished to him.

The workman has examined himself. He has admitted in his cross examination that he filed reply to the charge-sheet. The management conducted the inquiry. The Inquiry Officer has explained to him the procedure of conducting the Inquiry. He was also offered the service of defence assistance. The inquiry proceedings were recorded in Hindi and a copy of the same was provided to him. The statement of the witnesses were recorded in the presence. He cross-examined all the witnesses. He was also offered to adduce defence evidence. He was not allowed to place on the record certain documents C-1 to C-12. He has also admitted that the witnesses examined were not inimical towards him. The Inquiry Officer was not personally biased to him. He has also admitted that he was offered the opportunity to advance argument after his evidence was closed. He was supplied copy of the inquiry report.

The workman has filed certain documents 1 to 12 with the record.

The case of the management is that these documents were not taken on record. In the documents the workman has made complaints against the corruption of the management no doubt.

It has been held in 1972 (25) FLR 45 as under :—

> "An industrial Tribunal would not be justified in characterizing the finding recorded in the domestic inquiry as perverse unless it can be shown that such a finding is not supported by any evidence, or is entirely opposed to the whole body of the evidence adduced before it. In a domestic inquiry once a conclusion is deduced from the evidence, it is not permissible to assail that conclusion even though it is possible for some other authority to arrive at a different conclusion on the same evidence."

It has been held in this case that in domestic inquiry evidence of a solitary witness is sufficient to hold the charges proved.

It has been held in 2001 (89) FLR 427 as under :—

> "It is well settled that a conclusion or a finding of fact arrived at in a disciplinary inquiry can be interfered with by the court only when there is no material for the said conclusion; or that on the materials, the conclusion cannot be that of a reasonable man."

From perusal of this judgment it becomes quite obvious that the Tribunal can interfere with the findings of the Enquiry Officer in case it is perverse. The Enquiry Officer has based his findings on oral as well as documentary evidence. It cannot be said that there is absolute absence of any evidence in support of the findings of the Enquiry Officer.

The workman has also admitted in his cross-examination that the prosecution witnesses were not inimical to him. He has cross-examined all the prosecution witnesses. The pilfered motor spirit was recovered by the management officials in the presence of the workman. The management has examined all those witnesses of recovery so the witnesses according to the own admission of the workman have deposed rightly. They are not inimical to him.

As per admission of the workman the Inquiry Officer was not biased against him so he has given correct finding and the DA has relied upon the report of the Inquiry Officer. The workman has been dismissed from service after following the procedure of inquiry. The inquiry is valid. It is not liable to be set aside.

The punishment is also not harsh. The workman was involved in the act of theft of Motor Spirit and the pilfered motor spirit and it was recovered by the officers of the management in his presence from the lorry driven by him, so the punishment is not harsh in view of the serious misconduct of the workman.

The reference is replied thus :—

The action of the management of BPCL in dismissing the workman Sh. Gopal Sharma w.e.f. 18-1-1989 is just and legal. Sh. Gopal Sharma is not entitled for any relief for the period from 18-1-1989 to 1-5-2000. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Dated : 6-5-2008 R. N. RAI, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1496.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इम्प्लाइज स्टेट इंश्योरेंस कॉर्पोरेशन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय II, नई दिल्ली के पंचाट (संदर्भ संख्या आई. डी. सं.-19/1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-15012/3/1991-आई आर (एम)]
कमल बाखरु, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1496.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. No. 19/1992) of the Central Government Industrial Tribunal/Labour Court-II, New Delhi now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Employees State Insurance Corporation and their workman, which was received by the Central Government on 29-5-2008.

[No. L-15012/3/1991-IR (M)]
KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

R. N. Rai, Presiding Officer

I. D. No. 19/1992

In the matter of :

Sh. Ambrish Kumar Sengar,
S/o Sh. C. P. S. Sengar,
R/o C/o Dr. I. K. Kochhar,
1039, Rani Bagh,
New Delhi-110 034 — Claimant

Versus

The employees State Insurance Corporation,
Through its Director General,
ESIC Building, Kotla Road,
New Delhi-110 002

The Director (Medical) Delhi,
ESIC Hospital Complex,
Basaidarapur,
New Delhi-110 015 — Respondents

AWARD

The Ministry of Labour by its letter No. L-15012/3/1991-IR(Misc.) Central Government Dtd. 10-2-1992 has referred the following point for adjudication.

The point runs as hereunder :

"Whether the action of the management to dismiss the services of Dr. Ambrish Kumar Sengar w.e.f. 27-3-1990 is justifed ? If not, to what relief the workman is entitled to ?"

The case of the workman is that he was appointed in the Directorate Medical Delhi, ESIC Scheme, New Delhi vide order dated 16-5-1989. His appointment was on a monthly remuneration of Rs. 2500 per month. The terms of appointment was part-time Medical Officer. The workman was posted at ESIC dispensary, Mangolpuri w.e.f. 12-4-1989.

He was trapped in a conspiracy hatched by the staff of ESIC Dispensary of Mangolpuri, Delhi. The person involved in the conspiracy was Dr. Poornima Lumba, Dr. Ganga Prasad. The registration clerk on duty on 5-3-1990 in the ESIC dispensary and Sh. Vijay Kumar. As per the principles of natural justice a person cannot be punished un-heard. The workman was not given any opportunity to represent his case but considerably his services have been dispensed with and also imposed severe penalty of dismissal from service.

The letter issued to the workman is also signed by M/s. P. L. Singh who is an sub-ordinate authority to that of appointing authority, punishing authority as such the removal is illegal. No inquiry was held. No opportunity was given and the charges of pilferage was found proved by the management and the workman was dismissed.

The case of the management is that the applicant is a qualified Doctor. He was basically and mainly engaged

in profession of intectual activities in diagnosing and prescribing drugs and medicines for the patient. He was not a workman under the said act. The engagement of the applicant was a contract for providing professional services as justified from the contract of service.

The Hon'ble Supreme Court has held that part time Doctors should be retained till regular incombents become available. The part-time engagement of the workman was terminated in accordance with the contract for professional services. The order of termination of part-time engagement of the applicant was duly approved by the Directorate (Medical Health) who is a competent authority for the purpose and it has been made ample clear in the order dated 17-3-1990. The part-time Medical Officers are appointed as temporary and ad-hoc basis as a stop gap arrangement and the services are governed by the terms specified in the order of their engagement duly accepted by them. It cannot be treated as Civil/Public servant for the purposes of normal disciplinary and other rules governing the conditions of services of other regular employees of the corporation. The order has not been passed as a major penalty but as termination simplicitor of the part-time engagement of the applicant directly in accordance with the terms and conditions of his part-time engagement. The applicant has full freedom to do private practice even during the period of his part-time engagement.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he was given appointment as part-time Doctor on 16-5-1989. He was appointed part-time Medical officer in the ESIC Scheme w.e.f. 20-4-1989 on a consolidated wages of Rs. 2500 per month. His services were terminated on 27-3-1990 on account of alleged misconduct without holding any proper inquiry and even without show cause notice.

It was submitted from the side of the management that Doctor Ambrish Kumar Sengar is not a workman. He was given appointment as part-time Doctor. He did not hold a civil post. His duty was to prescribe medicines. He pilfered some medicines and so his services have been terminated.

The first question is whether Dr. Ambrish Kumar Sengar is a workman ?

It has been held in Sundrambal case by the Hon'ble Supreme Court that in case the function is purely academic in nature he should be considered as a workman. The workman was a professional. He was diagnosing the diseases and prescribing medicines, so he cannot be a workman.

The second question is whether the dismissal of the workman is legal and valid ?

It is admitted case that no inquiry was held and the management without holding any inquiry has found the charges of pilferage of medicines proved against Dr. Ambrish Kumar Sengar. Dr. Poornima Lumba has held Dr. Ambrish Kumar Sengar to have pilfered the medicines.

In the dismissal order it is specifically mentioned that he has been dismissed for committing act of misconduct. Such dismissal order caused stigma on an employee and it is settled law that such dismissal order should be given after holding proper inquiry and following the principles of natural justice. No inquiry has been held in the instant case. No charge-sheet has been served on the applicant and he has been dismissed for misconduct, so such dismissal caused stigma on Dr. Ambrish Kumar Sengar and he was not able to find any government job after such dismissal carrying stigma on his career so the dismissal is absolutely illegal and arbitrary. Dr. Ambrish Kumar Sengar is not entitled to get any relief by this Tribunal as it has no jurisdiction to try the instant case as he is not a workman.

The reference is replied thus :

This Tribunal has no jurisdiction to decide "Whether the action of the management to dismiss the services of Dr. Ambrish Kumar Sengar w.e.f. 27-3-1990 is justified or not. Dr. Ambrish Kumar Sengar is not entitled to get any relief by this Tribunal as it has no jurisdiction to decide the instant case.

The award is given accordingly.

Date : 14-5-2008 R. N. RAI, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1497.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हरियाणा मिनरल लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय II, नई दिल्ली के पंचाट (संदर्भ संख्या आई. डी. सं.-34/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-29012/7/2005-आई आर (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1497.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. No. 34/2005) of the Central Government Industrial Tribunal/Labour Court-II, New Delhi now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Haryana Minerals Ltd. and their workman, which was received by the Central Government on 29-5-2008.

[No. L-29012/7/2005-IR (M)]
KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Shri R. N. Rai, Presiding Officer
I. D. No. 34/2005

In the matter of :

Shri B. S. Chhokar,
Ex. Asstt. Accounts Officer,
C/o 300/21-A, Faridabad,
Haryana-121 001

Versus

The Managing Director,
Haryana Minerals Ltd.,
Phase-5, Udyog Vihar,
H.S.I.D.C. Complex,
Gurgaon,
Haryana

AWARD

The Ministry of Labour by its letter No. L-29012/7/2005-IR(M) Central Government dt. 27-4-2005 has referred the following point for adjudication.

The point runs as hereunder :

"Whether the action of the management of Haryana Minerals Ltd., in terminating the services of Shri Bir Singh Chhokar, Asstt. Accts. Officer, without paying legal dues simultaneously is legal and just ? If not to what relief the workman is entitled to ?"

The workman applicant has filed claim statement. In the claim statement it has been stated that he was employed with management above named as Asstt. A/C Officer; the nature of duties of the workman were not supervisory or administrative in nature and hence the claimant above named falls within the definition of workman as defined in the Act.

That the respondent management is a public sector company engaged in the business of mining and quarrying and hence is 'industry' as defined in the act.

That the workman above named was in regular employment of the management since 26th September, 1986.

That however, the services of the workman were dispensed with and the workman was retrenched vide order dated 3rd March, 2003.

That consequent upon the retrenchment of the workman above named, was paid only 3 months wages but the workman was not paid retrenchment compensation in terms of Sector 25 F of the Industrial Disputes Act, 1947.

That further the rule of 'last come first go' was not followed in the retrenchment of the workman services by the management.

That the above action as the part of the management is illegal and void and contrary to the Sections 25F, 25G, 25H and other provisions of the Industrial Disputes Act, 1947. Also no prior permission as envisaged by the Act was taken by the management before retrenchment of the services of the workman although it employed more than 1000 workmen at the time.

That on account of the retrenchment of the workman despite has best efforts was unable to same any alternate employment and was on the verge of starvation till 5th January, 2004 when he was able to secure an alternate employment.

That though the workman was not paid any retrenchment compensation by the management however, similarly placed workers were paid retrenchment compensation in terms of Section 25 F of the Act hence the management arbitrarily and unjustly discriminated against the workman in the retrenchment of his services and has indulged in an act of victimization and unfair labour practice.

The management filed written statement. In the written statement it has been stated that as the claimant was as the Managerial Post and not workman hence not covered under the I.D. Act, claim of the claimant is to be dismissed on this ground alone.

That H.M.L. (Respondent) in its final winding up stage due to heavy financial loss and their employees who were workman were retrenched and those who were on the Managerial post as the claimant were terminated as per the terms and conditions/clause which were so accepted by the claimant as per his appointment letter.

That it has happen all due to the Hon'ble Apex Court order by which the Hon'ble Apex Court has banned the mining job in the area, as of the respondents hence

respondents and all its employees being surplus which was due to the Hon'ble Supreme Court's order certainly we are bound by law of the land.

That the contents of para is wrong and denied as the claimant is not workman hence not covered under the provisions of I.D. Act even the claimant governed by his appointment letter and the respondent's service were terminated under the Provisions of appointment letter and for the same he was paid gratuity and 3 months salary in advance in light of notice period.

That the contents of para are matter of record upto certain extent, however, it is wrong that the nature of duties & claimant were not supervisory, as the claimant job was of supervisory and the post was of Managerial hence the claimant does not fall under the definition of workman as per the I.D. Act.

That the contents of para are wrong and denied as Hon'ble Apex Court order/direction the business of mining has been banned and the job has been stopped and no activity even can be held and due to this all its employees have been terminated or retrenched.

That contents of para are matter of record, however, the service of the claimant were terminated as per his appointment letter.

That contents of para are wrong and denied as the applicant is not covered under the definition of workman (ID Act) and for the same he was terminated as per the appointment letter's provisions.

That the contents of para are wrong and denied as the applicant has to put strict proof of same and also is not caused under the provisions of the I.D. Act.

That the contents of para only to mislead the Hon'ble Court and baseless without any proof, as the claimant was on Managerial post and none of his equal post have been paid as so alleged by the claimant for the same the claimant has to put strict proof of the same.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he was employed with the management as Assistant Account Officer w.e.f. 26-11-1986. He is a workman u/s 25F of the ID Act, 1947.

It was submitted from the side of the management that the respondent is in its financial winding up stage due to financial loss and their employees who were workman were retrenched and those on the managerial post as claimed were terminated without payment of retrenchment compensation. The workman is not a workman u/s 2 (s) of the ID Act, 1947.

It was submitted that he is entitled to get retrenchment compensation under section 25 F of the ID Act, 1947.

It was submitted from the side of the management that the applicant was performing duty in supervisory capacity. He is not covered u/s 2(s) of the ID Act, 1947. He has been paid dues in view of his appointment letter.

It is the duty of the management to prove by cogent documentary evidence that the workman performed managerial or supervisory duty. The management should produce documents regarding the managerial and supervisory capacity.

The workman has been issued appointment letter on 20-7-1993. He has been given the designation of Mining Engineer and he has been appointed in the pay scale of Rs. 2000—3200. His services have been terminated in view of closure of mining operation due to surrender of Alipur Mines, State Government of Haryana as his services were found surplus.

He has been paid three months pay in terms of his appointment letter. It has been mentioned in the appointment letter that even after confirmation, his services may be terminated with three months notice either on other side or pay in lieu thereof.

It has not been pointed out as to what managerial duty, the workman performed. No duty chart has been filed assigning to the workman duty in managerial or supervisory capacity. The duty of Mining Engineer is operational. In the Mines Act, the office of the Mining Engineer has not been defined as managerial or supervisory.

The management has to prove that the workman was competent to watch over the work of the juniors and submit reports regarding their work in managerial or administrative office. There must be some subordinate employees as the administrator has the power to inspect the work of those subordinate and submit confidential reports to the higher authorities. It is for the management to prove that the workman has been assigned managerial duty. The workman cannot be said to be a Manager or Administrator in view of the nomenclature given to him. The work of a Engineer is always operational.

The real test for ascertaining the status and function of employee are the primary, basic or dominant nature of duties. The words managerial or supervisory have to be understood in their proper connotation and there mere use cannot be detracted from the truth.

In (1985) 3 SCC 371 it has been held that the nature of the work of a workman is to be ascertained from the dominant nature of duties performed by him and not by nomenclature. In view of this judgement of the Hon'ble Apex Court the claimant is a workman. This point is decided accordingly.

Sh. B. S. Chokar has been given designation of Assistant Accounts Officer. An assistant cannot be said to be a Manager or Supervisor. Documents have not been filed to show that he supervised the work of subordinate staff to him and he wrote confidential report and he sanctioned leave. No such documents have been filed by the management.

The applicant in the instant case is a workman and he is entitled to get 15 days wages for every completed year. He is not entitled to get any other relief.

The reference is replied thus :

The action of the management of Haryana Mineral Ltd., in terminating the services of Shri Bir Singh Chhokar, Asstt. Accts. Officer, without paying legal dues simultaneously is neither legal nor just. The workman applicant is not entitled to reinstatement. He is only entitled to get 15 days wages for every completed year. He is not entitled to get any other relief.

The award is given accordingly.

Date : 16-5-2008 R. N. RAI, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1498.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हरियाणा मिनरल लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय II, नई दिल्ली के पंचाट (संदर्भ संख्या आई. डी. सं.-35/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-29012/8/2005-आई आर (एम)]
कमल बाखरु, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1498.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. No. 35/2005) of the Central Government Industrial Tribunal/Labour Court-II, New Delhi now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Haryana Minerals Ltd. and their workman, which was received by the Central Government on 29-5-2008.

[No. L-29012/8/2005-IR (M)]
KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Shri R. N. Rai, Presiding Officer

I. D. No. 35/2005

In the matter of :

Shri Bharam Parkash,
A-64, Devli Extension,
Dr. Ambedkar Nagar,
New Delhi-110 062. Workman

Versus

The Managing Director,
Haryana Minerals Ltd.,
Phase-5, Udyog Vihar,
HSIDC Complex,
Gurgaon, Haryana

AWARD

The Ministry of Labour by its letter No. L-29012/8/2005-IR(M) Central Government dt. 27-4-2005 has referred the following point for adjudication :

The point runs as hereunder :

"Whether the action of the management of Haryana Minerals Ltd., in terminating the services of Shri Bharam Parkash without paying legal dues simultaneously w.e.f. 3-3-2003 is legal and just ? If not to what relief the workman is entitled to ?"

That the workman applicant has filed claim statement. In the claim statement it has been stated that the workman above named was employed with the management above named as Mines Foreman w.e.f. 5th August 1986 and the nature of the duties of the workman were not supervisory or administrastive in nature and hence the claimant above named falls within the definition of a 'workman' as defined in the Industrial Disputes Act, 1947.

That the respondent management is a public sector company engaged in the business of mining and quarrying and hence is industry as defined in the Act.

That the services of the workman were retrenched by the management vide order dated 3rd March, 2003. That consequent upon the retrenchment of the workman above named, he was paid only 3 months wages calculated on the basis of the last drawn wages of the workman, that is, Rs. 8396 therefore a sum of Rs. 25,188 was paid to the workman.

That no other amount besides the said three months wages in lieu of notice was paid or tendered to the workman by the management.

That the services of the workman were continuous from the date of his appointment, that is, 5th August, 1986 till the date of his termination, that is, 3rd March, 2003.

That however, no retrenchment compensation as envisaged by the provisions of the Industrial disputes Act was paid to the workman.

That also the rule of "last come first go" was not followed by the management in as much as the employees junior to the workman above named were retained by the management whereas the services of the workman above named were illegally retrenched.

That the above action/termination of services of the workman by the management in illegal and void and contrary to the Sections 25F, 25G and 25H and other provisions of the Industrial Disputes Act, 1947. Also no prior permission as envisaged by the Act was taken by the management before retrenchment of the services of the workman although it employed more than 1000, workmen at the time.

That on account of the retrenchment of the workman despite his best efforts was unable to secure any alternate employment and is on the verge of starvation till date.

The management filed written statement raising preliminary objections that the applicant is not covered under the I.D. Act as the applicant was working in the capacity of Supervisory/Managerial Staff hence, claim of the claimant is liable to be dismissed.

That the claimant has been paid all kind of his dues at the time of his termination hence under the provisions of act the claimant is not entitled for any thing else.

That as the company was constrained to stop its commercial activity because of the Hon'ble Supreme Court order as such the company is going under the process of liquidation by which the company was constrained to remove all its employees.

That as the termination order was passed by the Regd. Office Gurgaon and the applicant was also working in Haryana hence the applicant/claimant has no jurisdiction to file the present claim before the Ld. Central Government Industrial Tribunal.

As the company has been banned of mining activities along Delhi-Mathura belt by the Hon'ble Supreme Court and partly due to cancellation of Mining, lease of rest of the mines by the State Government due to non-payment of royalty, hence company had to stop its all kind of activities, however, it is pertinent to mention here that the company could not pay the royalty due to heavy financial crises on it even all the staff employed in the company for carrying out the work became surplus because of banning of mining activities by the Hon'ble Supreme Court and management was constrained to terminate/retrench their employees after paying all their legal dues under the terms and conditions of the company and applicant also was paid as per the policy of the company and presently nothing is due, and the company is under liquidation process presently.

However, he was working as Mining fireman hence it is a completely concealed of facts as the applicant was working only post of Foreman and not the Fireman and who was working on the capacity of Managerial/ Supervisory post hence, does not fall in the category workman as defined in the I.D. Act.

That the applicant was terminated that time the mining activities were banned by the order of the Hon'ble Supreme Court.

That the contents of para are wrong and very far from the facts hence denied as the claimant has been paid all his dues as per the policy of the company and the detail of the payment is as under :—

Sl. No.	Head of Payment	Cheque No.	Amount
1.	Three months pay in lieu of Notice period	GGB/A279339 dt. 3-3-2003	25,188.00
2.	Gratuity as per policy of the company	GGB/A279560 dt. 16-5-2003	82,345.00
3.	Earned Leave Encashment	-do-	8,396.00

For payment of encashment of earned beyond 30 days, the officer, alongwith 63 other staff have already filed a CWP before Punjab & Haryana High Court vide CWP No. 16043 of 2003. The officer is at Sr. No. 15 of the plaintiffs in the said Writ.

The claimant is not covered under the definition of workman under the provisions of I.D. Act, however, the claimant has been paid his entire dues as per the policy of the company.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he was appointed as Mining Foreman w.e.f. August, 1996

and his duties were not supervisory. He was a workman in view of section 2(s) of the ID Act, 1947.

It was submitted that he should be paid retrenchment compensation in view of Section 25 F of the ID Act, 1947.

It was submitted from the side of the management that the applicant was performing duty in supervisory capacity. He is not covered u/s 2(a) of the ID Act, 1947. He has been paid dues in view of his appointment letter.

It is the duty of the management to prove by cogent documentary evidence that the workman performed managerial or supervisory duty. The management should produce documents regarding the managerial and supervisory capacity.

The workman has been issued appointment letter on 20-7-1993. He has been given the designation of Mining Engineer and he has been appointed in the pay scale of Rs. 2000—3200. His services have been terminated in view of closure of mining operation due to surrender of Alipur Mines, State Government of Haryana as his services were found surplus.

He has been paid three months pay in terms of his appointment letter. It has been mentioned in the appointment letter that even after confirmation, his services may be terminated with three months notice either on other side or pay in lieu thereof.

It has not been pointed out as to what managerial duty, the workman performed. No duty chart has been filed assigning to the workman duty in managerial or supervisory capacity. The duty of Mining Engineer is operational. In the Mines Act, the office of the Mining Engineer has not been defined as managerial or supervisory.

The management has to prove that the workman was competent to watch over the work of the juniors and submit reports regarding their work in managerial or administrative office. There must be some sub-ordinate employees as the administrator has the power to inspect the work of those subordinate and submit confidential reports to the higher authorities. It is for the management to prove that the workman has been assigned managerial duty. The workman cannot be said to be a Manager or Administrator in view of the nomenclature given to him. The work of a Engineer is always operational.

The real test for ascertaining the status and function of employee are the primary, basic or dominant nature of duties. The words managerial or supervisory have to be understood in their proper connotation and the mere use cannot be detracted from the truth.

In (1985) 3 SCC 371 it has been held that the nature of the work of a workman is to be ascertained from the dominant nature of duties performed by him and not by nomenclature. In view of this judgement of the Hon'ble Apex Court the claimant is a workman. This point is decided accordingly.

The workman has been shown as Foreman. He discharged technical duties. He was Mining Engineer. In case he performed some managerial duties incidentally he will not become a Manager or supervisor. No document regarding his working as managerial or supervisory capacity has been filed. He was Mining Engineer. His duties were operational. Operational duty has been defined as the duty of a workman under Section 2(s) of the ID Act, 1947. This employee is not a Manager or supervisor.

The applicant in the instant case is a workman and he is entitled to get 15 days wages for every completed year. He is not entitled to get any other relief.

The reference is replied thus :—

The action of the management of Haryana Minerals Ltd., in terminating the services of Shri Bharam Parkash without paying legal dues simultaneously w.e.f. 3-3-2003 is neither legal nor just. The workman applicant is not entitled to reinstatement. He is only entitled to get 15 days wages for every completed year. He is not entitled to get any other relief.

The award is given accordingly.

Date : 16-5-2008 R. N. RAI, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1499.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हरियाणा मिनरल लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-II, नई दिल्ली के पंचाट (संदर्भ संख्या आई. डी. सं.-36/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-29012/9/2005-आई आर (एम)]
कमल बाखरु, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1499.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. No. 36/2005) of the Central Government Industrial Tribunal/Labour Court-II, New Delhi now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Haryana Minerals Ltd. and their workman, which was received by the Central Government on 29-5-2008.

[No. L-29012/9/2005-IR (M)]
KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Shri R. N. Rai, Presiding Officer

I. D. No. 36/2005

In the matter of :

Shri O. P. Verma,
H. No. 256, India Colony,
I.P.O. Kanshi,
Jharsa,
Gurgaon, Haryana

Versus

The Managing Director,
Haryana Minerals Ltd.,
Phase-5, Udyog Vihar,
H.S.I.D.C. Complex,
Gurgaon, (Haryana)

AWARD

The Ministry of Labour by its letter No. L-29012/9/2005-IR(M) Central Government Dt. 27-4-2005 has referred the following point for adjudication :

The point runs as hereunder :—

"Whether the action of the management of Haryana Mineral Ltd., in terminating the services of Shri O. P. Verma Cashier & Pur. Officer without paying legal dues simultaneously w.e.f. 3-3-2003 is legal and just ? If not to what relief the workman is entitled to ?"

The workman applicant has filed claim statement in the claim statement it has been stated that the workman was employed with the management above named as Mines Foreman w.e.f. 24th February, 1982 and the nature of the duties of the workman were not supervisory or administrative in nature and hence the claimant above named falls within the definition of a workman as defined in the I.D. Act, 1947.

That the respondent management is a public sector company engaged in the business of mining and quarrying and hence is industry as defined in the Act.

That the services of the workman were retrenched by the management vide order dated 15th December 2000. That consequent upon the retrenchment of the workman above named, he was paid only 3 months wages calculated on the basis of the last drawn wages of the workman therefore a sum of Rs. 25,671 was paid to the workman.

That no other amount besides the said 3 months wages in lieu of notice was paid or tendered to the workman by the management.

That the services of the workman were continuous from the date of his appointment, that is, 24th February 1982 till the date of his termination, that is, 15th December, 2000.

That, however, no retrenchment compensation as envisaged by the provisions of the Industrial disputes Act was paid to the workman.

That also the rule of last come first go was not followed by the management inasmuch as the employees junior to the workman above named were retained by the management whereas the services of the workman above named were illegally retrenched.

That the above action/termination of services of the workman by the management is illegal and void and contrary to the Sections of 25F, 25G and 25H other provisions of the Industrial Disputes Act, 1947. Also no prior permission as envisaged by the Act was taken by the management before retrenchment of the services of the workman although it employed more than 1000 workmen at the time.

That on account of the retrenchment of the workman despite his best efforts was unable to secure any alternate employment and is on the verge of starvation till date.

That though the workman was not paid any retrenchment compensation by the management however, similarly placed workers were paid retrenchment compensation in terms of Section 25F of the Act hence the management arbitrarily and justly discriminated against the workman in the retrenchment of his services and has indulged in an act of victimization and unfair labour practice.

The Management filed written statement. In the written statement it has been stated that the applicant is not covered under the I.D. Act as the applicant was working in the capacity of Supervisory/Managerial Staff hence, claim of the claimant is liable to be dismissed.

The claimant has been paid all kind of his dues at the time of his termination hence under the provision of Act the claimant is not entitled for anything else.

That as the company was constrained to stop its commercial activity because of the Hon'ble Supreme courts order as such the company is going under the process of liquidation by which the company was constrained to remove all its employees.

That as the termination order was passed by the Regd. Office Gurgaon and the applicant was also working in Haryana hence the applicant/claimant has no jurisdiction to file the present claim before the Ld. Central

Government (Delhi) Industrial Tribunal hence liable to be dismissed.

The contents of the para are wrong and denied. As the company has been banned of mining activities along Delhi-Mathura belt by the Hon'ble Supreme Court and partly due to cancellation of Mining, lease of rest of the mines by the State Government due to non payment of royalty, hence company had to stopped its all kind of activities, however, it is pertinent to mention here that the company could not pay the royalty due to heavy financial crises on it even all the staff employed in the company for carrying out the work became surplus because of banning of mining activities by the Hon'ble Supreme Court and management was constrained to terminate/ retrench their employees after paying all their legal dues under the terms and conditions of the company and applicant also was paid as per the policy of the company and presently nothing is due, and the company is under liquidation process presently.

The contents of this para are wrong and hence denied and the claimant has falsely stated in para No. 2 in his claim statement that he was working as Mines Foreman however, he was on the post of Purchase Officer and not Foreman however both the post of in the capacity of Managerial/supervisory capacity hence, does not fall in the category workman as defined in the I.D. Act.

The contents of this para are wrong and denied when the applicant was terminated that time the mining activities were banned by the order of the Hon'ble Supreme Court.

The contents of para 6 are wrong and very far from the facts hence denied as the claimant has been paid all his dues as per the policy of the company and the detail of the payment is as under :—

Sr. No.	Head of Payment	Cheque No.	Amount
1.	Three months pay in lieu of Notice period	158923 dt. 15-12-2000	25,671.00
2.	Earned Leave Encashment	039455 dt. 28-12-2001	52,143.00
3.	Gratuity	89424 dt. 3-3-2001	93,797.00

This shows that all the payable dues had been paid and the officer wants to twist the facts.

That the contents of para are wrong and denied as when all the employees of the management company have been terminated than how it can be discriminated with the claimant only.

That the contents of para are wrong and denied as the applicant is not covered under the provision of I.D. Act hence cannot be compare himself to the workman, however, claimant has been his entire amount as per the policy of the company as well as per the law.

That as the company itself was constrained to stop its all kind of commercial activities hence further constrained to terminate its employees.

That the contents of para are wrong and denied as the company has never employed its staff more than 839 as so alleged by the claimant 1, where all the mines are also independent entities employing less than 100 workers even the claimant herein was not a workman.

That as the company itself was constrained to stop its all kind of commercial activities hence further constrained to terminate its employees.

That the contents of para are wrong and denied as the entire staff including the claimant had been paid their dues as per the policy of the company as such there is no discrimination against the claimant.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he was appointed as Mining Foreman w.e.f. 25-2-1982. His duties were not supervisory or administrative in nature. He falls within the definition of workman under Section 2(s) of the ID Act, 1947. He was paid only three months wages at the time of his retrenchment.

It was submitted that he is entitled to get retrenchment compensation under Section 25 F of the ID Act, 1947.

It was submitted from the side of the management that the applicant was performing duty in supervisory capacity. He is not covered u/s 2(s) of the ID Act, 1947. He has been paid dues in view of his appointment letter.

It is the duty of the management to prove by cogent documentary evidence that the workman performed managerial or supervisory duty. The management should produce documents regarding the managerial and supervisory capacity.

The workman has been issued appointment letter on 20-7-1993. He has been given the designation of Mining Engineer and he has been appointed in the pay scale of Rs. 2000—3200. His services have been

terminated in view of closure of mining operation due to surrender of Alipur Mines, State Government of Haryana as his services were found surplus.

He has been paid three months pay in terms of his appointment letter. It has been mentioned in the appointment letter that even after confirmation, his services may be terminated with three months notice either on other side or pay in lieu thereof.

It has not been pointed out as to what managerial duty, the workman performed. No duty chart has been filed assigning to the workman duty in managerial or supervisory capacity. The duty of Mining Engineer is operational. In the Mines Act, the office of the Mining Engineer has not been defined as managerial or supervisory.

The management has to prove that the workman was competent to watch over the work of the juniors and submit reports regarding their work in managerial or administrative office. There must be some subordinate employees as the administrator has the power to inspect the work of those subordinate and submit confidential reports to the higher authorities. It is for the management to prove that the workman has been assigned managerial duty. The workman cannot be said to be a Manager or Administrator in view of the nomenclature given to him. The work of a Engineer is always operational.

The real test for ascertaining the status and function of employee are the primary, basic or dominant nature of duties. The words managerial or supervisory have to be understood in their proper connotation and there mere use cannot be detracted from the truth.

In (1985) 3 SCC 371 it has been held that the nature of the work of a workman is to be ascertained from the dominant nature of duties performed by him and not by nomenclature. In view of this judgement of the Hon'ble Apex Court the claimant is a workman. This point is decided accordingly.

The management has filed documents which indicate that this workman was Purchase Officer. The workman has filed documents in which he had repudiated that he was a Purchase Officer. The order for purchase was given by the Managing Director. No document has been filed to show that he wrote confidential report of any of the employee subordinate to him or he sanctioned leave to any of the employees. He was initially engaged as Cashier. By nomenclature, Purchase Officer, an employee cannot become Manager or Supervisor until it is proved that he has a supervisory and managerial jurisdiction to assign duties to take work and to give confidential report. Such employees will not become Manager or Supervisor even though they discharged the duties of a supervisor or manager incidently.

The applicant in the instant case is a workman and he is entitled to get 15 days wages for every completed year. He is not entitled to get any other relief.

This reference is replied thus :—

The action of the management of Haryana Minerals Ltd., in terminating the services of Sh. O. P. Verma, Cashier & Pur Officer without paying legal dues simultaneously w.e.f. 3-3-2003 is neither legal nor justified. The workman applicant is not entitled to reinstatement. He is only entitled to get 15 days wages for every completed year. He is not entitled to get any other relief.

The award is given accordingly.

Date : 16-5-2008 R. N. RAI, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1500.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हरियाणा मिनरल लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या आई डी सं. 121/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-29012/25/2005-आई आर (एम)]
कमल बाखरु, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1500.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. ID No. 121/2005) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Haryana Minerals Ltd. and their workman, which was received by the Central Government on 29-5-2008.

[No. L-29012/25/2005-IR (M)]
KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Shri R.N. Rai, Presiding Officer

I.D. No. 121/2005

In the matter of :

Shri K. Shankar Rao,
S/o Sh. K. Santamurty,
R/o House No. 1172, Sector 29,
Faridabad (Haryana).

Versus

The Managing Director,
Haryana Minerals Ltd.,
Phase-5, Udyog Vihar,
HSIDC Complex,
Gurgaon (Haryana)

AWARD

The Ministry of Labour by its letter No. L-29012/25/2005-IR(M) Central Government dt. 27-04-2005 has referred the following point for adjudication.

The point runs as hereunder :

"Whether the action of the management of Haryana Minerals Ltd., in terminating the services of Sh. K. Shankara Rao, Mining Foreman w.e.f. 03-03-2003 is just and legal? If not to what relief the workman is entitled to ? "

That the workman applicant has filed claim statement. In the claim statement it has been stated that the workman above named as Mining Foreman, the nature of the duties of the workman were not supervisor or administrative in nature and hence the claimant above named falls within the definition of workman as defined in the Act.

That the respondent management is a public sector company engaged in the business of mining and quarrying and hence is industry as defined in the Act.

That the workman above named was in regular employment of the management since 24th May, 1996.

That consequent upon the retrenchment of the workman above named, was paid only 3 months wages but the workman was not paid retrenchment compensation in terms of Section 25F of the Industrial Disputes Act,1947.

That further the rule of 'last come first go' was not followed in the retrenchment of the workman's services by the management.

That the above action on the part of the management is illegal and void and contrary to the provisions of Section 25F, 25G and 25H of the Industrial Disputes Act, 1947. Also no prior permission as envisaged by the Act was taken by the management before the retrenchment of the services of the workman although it employed more than 1000 workmen at the time.

That on account of the retrenchment of the workman the workman despite his best efforts was unable to secure any alternative employment and is on the verge of starvation.

That though the workman was not paid any retrenchment compensation by the management, however, similarly placed workers paid retrenchment compensation in terms of Section 25F of the Industrial Disputes Act, 1947. Hence the act of the management is not only arbitrary but also amounts to unjust discrimination, victimization and unfair labour practice.

The management filed written statement raising preliminary objections that the applicant is not covered under the I.D. Act as the applicant was working in the capacity of Supervisory/Managerial Staff hence, claim of the claimant is liable to be dismissed.

That the claimant has been paid all kind of his dues at the time of his termination hence under the provisions of Act the claimant is not entitled for any thing else.

That as the company was constrained to stop its commercial activity because of the Hon'ble Supreme Court's order as such the company is going under the process of liquidation by which the company was constrained to remove all its employees.

That as the termination order was passed by the Regd. Office Gurgaon and the applicant was also working in Haryana hence the applicant/claimant has no jurisdiction to file the present claim before the Ld. Central Government Delhi Industrial Tribunal hence liable to be dismissed.

As the company has been banned of mining activities along Delhi-Mathura belt by the Hon'ble Supreme Court and partly due to cancellation of Mining, lease of rest of the mines by the State Government due to non payment of royalty, hence company had to stop its all kind of activities, however, it is pertinent to mention here that the company could not pay the royalty due to heavy financial crises on it even all the staff employed in the company for carrying out the work became surplus because of banning of mining activities by the Hon'ble Supreme Court and management was constrained to terminate/retrench their employees after paying all their legal dues under the terms and conditions of the company and applicant also was paid as per the policy of the company and presently nothing is due, and the company is under liquidation process presently.

As the applicant is not workman however, it has been mentioned by the applicant that he was working as Mining fireman hence it is a completely concealed of fact as the applicant was working only post of Foreman and not the Fireman and who was working on the capacity of Managerial/Supervisory post hence, does not fall in the category workman as defined in the I.D. Act.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he was appointed as Mining Foreman. His duties were not supervisory or administrative in nature. He falls within the definition of workman under Section2(s) of the ID Act, 1947. He was paid only three months wages at the time of his retrenchment.

It was submitted that he is entitled to get retrenchment compensation unser section 25F of the ID Act, 1947.

It was submitted from the side of the management that the applicant was performing duty in supervisory capacity. He is not covered u/s 2 (s) of the ID Act, 1947. He has been paid dues in view of his appointment letter.

It is the duty of the management to prove by cogent documentary evidence that the workman performed managerial or supervisory duty. The management should produce documents regarding the managerial and supervisory capacity.

The workman has been issued appointment letter on 20-07-1993. He has been given the designation of Mining Engineer and he has been appointed in the pay scale of Rs. 2000—3200. His services have been terminated in view of closure of mining operation due to surrender of Alipur Mines, State Government of Haryana as his services were found surplus.

He has been paid three months pay in terms of his appointment letter. It has been mentioned in the appointment letter that even after confirmation, his services may be terminated with three months notice either on other side or pay in lieu thereof.

It has not been pointed out as to what managerial duty, the workman performed. No duty chart has been filed assigning to the workman duty in managerial or supervisory capacity. The duty of Mining Engineer is operational. In the Mines Act, the office of the Mining Engineer has not been defined as managerial or supervisory.

The management has to prove that the workman was competent to watch over the work of the juniors and submit reports regarding their work in managerial or administrative office. There must be some subordinate employees as the administrator has the power to inspect the work of those subordinate and submit confidential reports to the higher authorities. It is for the management to prove that the workman has been assigned managerial duty. The workman cannot be said to be a Manager or Administrator in view of the nomenclature given to him. The work of an Engineer is always operational.

The real test for ascertaining the status and function of employee are the primary, basic or dominant nature of duties. The words managerial or supervisory have to be understood in their proper cannotation and the mere use cannot be detracted from the truth.

In (1985) 3 SCC 371 it has been held that the nature of the work of a workman is to be ascertained from the dominant nature of duties performed by him and not by nomenclature. In view of this judgement of the Hon'ble Apex Court the claimant is a workman. This point is decided accordingly. The workman has been shown as Foreman. He discharged technical duties. He was Mining Engineer. In case he performed some managerial duties incidentally he will not become a Manager or Supervisor. No document regarding his working as managerial or supervisory capacity has been filed. He was posted as Mining Engineer. His duties are operational. Operational duty has been defined as the duty of the workman under Section 2(s) of the ID Act, 1947. This employee is not a Manager or supervisor.

The applicant in the instant case is a workman and he is entitled to get 15 days wages for every completed year. He is not entitled to get any other relief.

The reference is replied thus :—

The action of the management of Haryana Minerals Ltd., in terminating the services of Sh. K. Shankara Rao, Mining Foreman w.e.f. 3-3-2003 is neither just nor legal. The workman applicant is not entitled to reinstatement. He is only entitled to get 15 days wages for every completed year. He is not entitled to get any other relief.

The award is given accordingly.

Dated : 16-5-2008

R.N. RAI, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1501.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हरियाणा मिनरल लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या आई डी सं. 122/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-29012/24/2005-आई आर (एम.)]
कमल बाखरू, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1501.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. ID No. 122/2005) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown

in the Annexure, in the Industrial Dispute between the employers in relation to the management of Haryana Minerals Ltd. and their workman, which was received by the Central Government on 29-5-2008.

[No. L-29012/24/2005-IR (M)]
KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Shri R.N. Rai, Presiding *Officer*

I.D. No. 122/2005

In the matter of :

Shri Rajender Parsad,
S/o Late Sh. Tej Ram,
Vill. Dabua, P.O. Pali,
Faridabad

Versus

The Managing Director,
Haryana Minerals Ltd.,
Phase-5, Udyog Vihar,
HSIDC Complex,
Gurgaon (Haryana)

AWARD

The Ministry of Labour by its leter No. L-29012/24/2005 IR(M) Central Government Dt.11-11-2005 has referred the following point for adjudication.

The point runs as hereunder :

"Whether the action of the management of Haryana Minerals Ltd., in terminating the services of Sh. Rajender Parsad S/o Shri Tej Ram Mining Foreman w.e.f. 27-9-2001 is just and legal? If not to what relief the workman is entitled to ? "

The workman applicant has filed claim statement. In the claim statement it has been stated that he was employed with the management above named as Mining Fireman, the nature of the duties of the workman were not supervisor or administrative in nature and hence the claimant above named falls within the definition of workman as defined in the Act.

That the respondent management is a public sector company engaged in the business of mining and quarrying and hence is 'industry' as defined in the Act.

The workman abovenamed was in regular employment of the management since 12th April, 1989. The services of the workman were dispensed with and the workman was retrenched vide order dated 27th September, 2001.

Consequent upon the retrenchment of the workman above named, was paid only 3 months wages but the workman was not paid retrenchment compensation in terms of Section 25F of the Industrial Disputes Act, 1947.

That further the rule of 'last come first go' was not followed in the retrenchment of the workman's services by the management.

That the above action on the part of the management is illegal and void and contrary to the provisions of Section 25F, 25G and 25H of the Industrial Disputes Act, 1947. Also no prior permission as envisaged by the Act was taken by the management before the retrenchment of the services of the workman although it employed more than 1000 workmen at the time.

That on account of the retrenchment of the workman the workman despite his best efforts was unable to secure any alternate employment and is on the verge of starvation.

That though the workman was not paid any retrenchment compensation by the management however, similarly placed workers were paid retrenchment compensation in terms of section 25F of the Industrial Disputes Act, 1947. Hence the act of the management is not only arbitrary but also amounts to unjust discrimination, victimization and unfair labour practice.

The management filed written statement. In the written statement it has been stated that the applicant is not covered under the I.D. Act as the applicant was working in the capacity of Supervisory/Managerial Staff hence, claim of the claimant is liable to be dismissed.

That the claimant has been paid all kind of his dues at the time of his termination hence under the provision of Act the claimant is not entitled for any thing else.

That as the company was constrained to stop its commercial activity because of the Hon'ble Supreme Court's order as such the company is going under the process of liquidation by which the company was constrained to remove all its employees.

That as the termination order was passed by the Regd. Office Gurgaon and the applicant was also working in Haryana hence the applicant/claimant has no jurisdiction to file the present claim before the Ld. Central Government (Delhi) Industrial Tribunal hence liable to be dismissed.

As the company has been banned of mining activities along Delhi-Mathura belt by the Hon'ble Supreme Court and partly due to cancellation of Mining, fease of rest of the mines by the State Government due to non payment of royalty, hence company had to stopped its all kind of activities, however, it is pertinent to mention

here that the company could not pay the royalty due to heavy financial crises on it even all the staff employed in the company for carrying out the work became surplus because of banning of mining activities by the Hon'ble Supreme Court and management was constrained to terminate/retrench their employees after paying all their legal dues under the terms and conditions of the company and applicant also was paid as per the policy of the company and presently nothing is due, and the company is under liquidation process presently.

The applicant is not workman however, it has been mentioned by the applicant that he was working as Mining fireman hence it is a completely concealed of facts as the applicant was working only post of Foreman and not the Fireman and who was working on the capacity of Managerial/Supervisory post hence, does not fall in the category workman as defined in the I.D. Act.

That the applicant was terminated that time the mining activities were banned by the order of the Hon'ble Supreme Court.

That the contents of para 6 are wrong and very far from the facts hence denied as the claimant has been paid all his dues as per the policy of the company and the detail of the payment is as under :

Sl. No.	Head of Payment	Cheque No.	Amount
1.	Three months pay in lieu of Notice period	0155556	23,1666.00
2.	Payment of encashment of Earned Leave	GGB/A	7,722.00
3.	Gratuity	039496 Dt. 6-5-2002	27,460.00

From above it is evident that all dues of the officer had been paid and nothing is due.

All the employees of the Management/Company have been terminated than how it can be discriminated with the claimant only. The company has never employed its staff more than 839 as so alleged by the claimant, where all the mines are also independent entities employing less than 100 workers even the claimant herein was not a workman.

That as the company itself was constrained to stop its all kind of commercial activities hence further constrained to terminate its employees. The entire staff including the claimant had been paid their dues as per the policy of the company as such there is no discrimination against the claimant.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he was appointed as Mining Foreman w.e.f. 1989. His services were terminated on 27th September, 2001. He was paid three months wages and he was not paid retrenchment compensation in view of section 25F of the ID Act, 1947. He is a workman u/s 2(s) of the ID Act,1947. The management should pay him compensation u/s 25F of the ID Act, 1947.

It was submitted that he should be paid retrenchment compensation in view of section 25F of the ID Act,1947.

It was submitted from the side of the management that the applicant was performing duty in supervisory capacity. He is not covered u/s 2(s) of the ID Act, 1947. He has been paid dues in view of his appointment letter.

It is the duty of the management to prove by cogent documentary evidence that the workman performed managerial or supervisory duty. The management should produce documents regarding the managerial and supervisory capacity.

The workman has been issued appointment letter on 20-07-1993. He has been given the designation of Mining Engineer and he has been appointed in the pay scale of Rs. 2000—3200. His services have been terminated in view of closure of mining operation due to surrender of Alipur Mines, State Government of Haryana as his services were found surplus.

He has been paid three months pay in terms of his appointment letter. It has been mentioned in the appointment letter that even after confirmation, his services may be terminated with three months notice either on other side or pay in lieu thereof.

It has not been pointed out as to what managerial duty, the workman performed. No duty chart has been filed assigning to the workman duty in managerial or supervisory capacity. The duty of Mining Engineer is operational. In the Mines Act, the office of the Mining Engineer has not been defined as managerial or supervisory.

The management has to prove that the workman was competent to watch over the work of the juniors and submit reports regarding their work inmanagerial or administrative office. There must be some subordinate employees as the administrator has the power to inspect the work of those subordinate and submit confidential reports to the higher authorities. It is for the management

to prove that the workman has been assigned managerial duty. The workman cannot be said to be a Manager or Administrator in view of the nomenclature given to him. The work of an Engineer is always operational.

The real test for ascertaining the status and function of employee are the primary, basic or dominant nature of duties. The words managerial or supervisory have to be understood in their proper connotation and the mere use cannot be detracted from the truth.

In (1985) 3 SCC 371 it has been held that the nature of the work of a workman is to be ascertained from the dominant nature of duties performed by him and not by nomenclature. In view of this judgement of the Hon'ble Apex Court the claimant is a workman. This point is decided accordingly. The workman has been shown as Foreman. He discharged technical duties. He was Mining Engineer. In case he performed some managerial duties incidentally he will not become a Manager or Supervisor. No document regarding his working as managerial or supervisory capacity has been filed. He was posted as Mining Engineer. His duties were operational. Operational duty has been defined as the duty of a workman under Section 2(s) of the ID Act, 1947. This employee is not a Manager or Supervisor.

The applicant in the instant case is a workman and he is entitled to get 15 days wages for every completed year. He is not entitled to get any other relief.

The reference is replied thus :

The action of the management of Haryana Minerals Ltd., Gurgaon in terminating the services of Sh. Rajender Patsad S/o Shri Tej Ram Mining Foreman w.e.f. 27-9-2001 is neither just nor legal. The workman applicant is not entitled to reinstatement. He is only entitled to get 15 days wages for every completed year. He is not entitled to get any other relief.

The award is given accordingly.

Dated : 16-05-2008

R.N. RAI, Presiding Officer

नई दिल्ली, 29 मई, 2008

का. आ. 1502.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हरियाणा मिनरल लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या आई डी सं. 27/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[सं. एल-29012/35/2005-आई आर (एम)]
कमल बाखरु, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1502.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. ID No. 27/2005) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Haryana Minerals Ltd. and their workman, which was received by the Central Government on 29-5-2008.

[No. L-29012/35/2005-IR (M)]
KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Shri R.N. Rai, Presiding Officer

I.D. No. 27/2006

In the matter of :

Shri Khem Chand,
G-149, SGM Nagar,
Badkal Road,
N.I.T. Faridabad

Versus

The Managing Director,
Haryana Minerals Ltd.,
Phase-5, Udyog Vihar,
HSIDC Complex,
Gurgaon (Haryana)

AWARD

The Ministry of Labour by its letter No. L-29012/35/2005-IR(M) Central Government Dt. 29-05-2006 has referred the following point for adjudication.

The point runs as hereunder :

"Whether the action of the management of Haryana Minerals Ltd., in terminating the services of Sh. Khem Chand, Security Guard w.e.f. 6-2-2001 is legal and just? If not to what relief the workman is entitled to ? "

The workman applicant has filed claim statement, in the claim statement it has been stated that the applicant was appointed on 9-4-1990 as Security Guard by the management of Haryana Minerals Ltd., on monthly consolidated salary of Rs. 660.

That the applicant was appointed against permanent vacancy. That applicant's work conduct and performance were very satisfactory and he never gave any chance of complaint to the management.

That the management of HML terminated the services of the workmen in an abrupt illegal and unlawful manner vide letter no. HML/432 dated 5-2-2001.

That the retrenchment order dated 5-2-2001 issued by the respondent management nothing but arbitrary exercise of powers by the management causing great injustice to applicant workman.

That the applicant workman further begs to submit that before issuing retrenchment order the management did not bother to comply with the requirement of Section 25-F and 25-FF of I.D. Act, 1947 and whatever terminal dues arising out of forced retrenchment were accepted by the workmen under protest.

That the management did not prepare and displayed the seniority list of the workman at the time of issuing retrenchment order.

That no retrenchment notice or notice pay in lieu of notice was offered by the management at the time of retrenchment. That the management retain junior hands in service while effecting retrenchment of applicant workman.

That the applicant workman submits that the action of the management issuing retrenchment order of the applicant workman is bad in law and he is entitled for reinstatement with full back wages, continuity of service and other consequential benefits.

The management has filed written statement. In the written statement management raised preliminary objections that even the applicant has not made any representation/notice to respondents regarding his dues, if any, hence even the remedial action on the part of the applicant was to send a calculation chart about his dues to the department but no such legal action has been taken by applicant, hence the present application is prematured and may be dismissed.

That since HML is a dead company so I.D. Act is not applicable to it. That claim of the applicant is time barred because he was retrenched during the year 2001 and filed this application during 2006 i.e. after five years.

He was appointed a daily paid security guard. Rest of the para is matter of record. The workman was appointed as daily paid staff.

The applicant was retrenched from the service company after following all the legal process when his post become surplus due to stoppage of work by the company due to non availability of mining lease from the state government and party due to order of Hon'ble Supreme Court of India, which banned mining activities across Delhi Mathura Belt. Even today the company is under winding up and have retrenched the total staff from all cadres.

The application are wrong and denied. No injustice have been done to the workman. All his dues payable under law had been paid. All the requirement of Section 25F of the I.D. Act had been complied with and Section 25FF is not applicable in this case as there is no transfer of any establishment to any other company. Dues payable under law had been paid.

Seniority list was always available for inspection and the same is still open for inspection, if the need be. However, when all the staff strength stand retrenched, so this holds no goods.

Pay of notice period as per section 25F of I.D. Act had been paid. No one had been retained in the service. The company is persuing winding up process.

All the law of the land had been obeyed and as the company is under winding up, so no re-employment is feasible. However, the workman had been re-employed by the Government of Haryana.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he was engaged as security guard on 9-4-1990 by the management of HML on monthly consolidated salary of Rs. 660. He was appointed against a permanent vacancy. His services were terminated illegally, arbitrarily on 5-2-2001. He has accepted the terminal benefits under protest. The management has not prepared and displayed seniority list. No notice pay or retrenchment compensation was given to him at the time of retrenchment.

It was submitted from the side of the management that the management has complied with the requirement of Section 25F of the ID Act,1947. Seniority list was always available for inspection and the same is open for inspection. None has been retained in service. The company is pursuing winding up process. M/s. HML is a dead company. The seniority list has been prepared and displayed. The workman has been retrenched by order dated 5-2-2001 and he has been paid compensation u/s 25F of the ID Act, 1947.

From perusal of the record it transpires that the company is under winding up process. The workman has not established that any retrenched employee has been given job again. The management has filed seniority list of the employees, so seniority list has been displayed. The

workman has been retrenched vide order dated 5-2-2001 by Mining Manager. He has been paid one month's pay in lieu of notice and retrenchment compensation u/s 25F of the ID Act, 1947.

The workman has not filed any evidence that the respondent is still functioning. He has been paid retrenchment compensation and one month's pay in lieu of notice. He has even accepted it that he has received payment under protest. He has been retrenched in view of closure of the factory. Proper retrenchment compensation has been given to him. No work is existing, so there is no question of reinstatement.

The reference is replied thus :—

The action of the management of Haryana Mineral Ltd., Gurgaon in terminating the services of Sh. Khem Chand, Security Guard w.e.f. 6-2-2001 is legal and just. The workman applicant is not entitled to reinstatement.

The award is given accordingly.

Dated : 13-5-2008

R.N. RAI, Presiding Officer

नई दिल्ली, 10 जून, 2008

का. आ. 1503.—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में निम्नलिखित कार्यालय को, जिनके न्यूनतम 80 प्रतिशत कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :

क्रम संख्या	कार्यालय का नाम
(1)	(2)
1.	क्षेत्रीय श्रम आयुक्त (केन्द्रीय), लखनऊ, उत्तर प्रदेश
2.	सहायक श्रम आयुक्त (केन्द्रीय), इलाहाबाद, उत्तर प्रदेश
3.	श्रम प्रवर्तन अधिकारी (केन्द्रीय), गोरखपुर, उत्तर प्रदेश
4.	श्रम प्रवर्तन अधिकारी (केन्द्रीय), झांसी, उत्तर प्रदेश
5.	श्रम प्रवर्तन अधिकारी (केन्द्रीय), डाल्टनगंज, झारखंड
6.	श्रम प्रवर्तन अधिकारी (केन्द्रीय), डेहरी ऑन सोन, बिहार
7.	श्रम प्रवर्तन अधिकारी (केन्द्रीय), मोतिहारी, बिहार
8.	श्रम प्रवर्तन अधिकारी (केन्द्रीय), मुजफ्फरपुर, बिहार
9.	श्रम प्रवर्तन अधिकारी (केन्द्रीय), कटिहार, बिहार
10.	अपर केन्द्रीय भविष्य निधि आयुक्त, वजीरपुर, नई दिल्ली

[सं. ई-11017/1/2006-रा.भा.नी.]

शारदा प्रसाद, संयुक्त सचिव

New Delhi, the 10th June, 2008

S.O. 1503.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union), Rules, 1976 the Central Government hereby notifies following offices, at least 80% Staff whereof have acquired working knowledge of Hindi :—

Sl. No.	Name of the Office
1.	Regional Labour Commissioner (Central), Lucknow, U.P.
2.	Assistant Labour Officer (Central), Allahabad, U.P.
3.	Labour Enforcement Officer (Central), Gorakhpur, U.P.
4.	Labour Enforcement Officer (Central), Jhansi, U.P.
5.	Labour Enforcement Officer (Central), Dalton Gunj, Jharkhand
6.	Labour Enforcement Officer (Central), Dehri-On-Sone, Bihar
7.	Labour Enforcement Officer (Central), Motihari, Bihar
8.	Labour Enforcement Officer (Central), Muzaffarpur, Bihar
9.	Labour Enforcement Officer (Central), Katihar, Bihar
10.	Additional Central Provident Fund Commissioner, Wazirpur, New Delhi.

[No. E-11017/1/2006-RBN]

SHARDA PRASAD, Jt. Secy.

Printed by the Manager, Govt. of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.